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STATUTES



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*We Approve of the Printing of this  
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STATUTES.*

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Rich. Cox.

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Jn<sup>o</sup> Jeffreyson.

Tho. Coote.

N. Donnellan.

R. Tracy.



AN EXACT  
A BRIDGMENT  
Of all the Publick Printed  
**Irish Statutes**  
Now in Force,

From the Third Year of the Reign of King  
Edward the Second, to the end of the Last Sessions of Parliament,  
in the Tenth Year of His present Majesty's Reign King William  
the Third.

METHODIZED

And Digested Alphabetically, under apt and proper Heads and Titles.

Together with

An Abridgment of such *English* Statutes now in  
Force to this present time, as have been Enact-  
ed and made since Sir *Edward Poyning's Law*,  
relating to the Kingdom of *Ireland*.

Whereto several compleat Tables are Added, of great  
Use, Ease and Service, to the Reader.

As also Book Cases and Resolutions in Law, &c. upon  
many of the said Statutes Incerted in the Margent.  
To which is Added,

*An Abridgment of the Acts of Settlement, &c.*

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*Non aliunde floret Republica quam si Legum vigeat Autoritas.*

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By G. Meriton, Esq; Barrister at Law.

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ТСАКИ ИА

ГИЕМСЯЯЯ А

БИЛЛЕТЫ 10



БИЛЛЕТЫ 10

To the Right Honourable  
**John Methuen, Esq;**  
Lord High Chancellor of *Ireland*.

Sir *Richard Pyne*, Kt. Lord Chief Justice of His Majesty's Court of King's-Bench.  
Sir *John Hely*, Kt. Lord Chief Justice of His Majesty's Court of Common-Pleas.  
And *Robert Doyne*, Esq; Lord Chief Baron of His Majesty's Court of Exchequer.

**And to the Honourable**

Sir *Richard Cox*, Kt. Second Justice of the said Court of Common-Pleas.  
Sir *Henry Echlin*, Kt. Second Baron of the said Court of Exchequer.  
Sir *John Jeffreyson*, Kt. one of the Justices of the said Court of Common-Pleas.  
*Thomas Coote*, Esq; one of the Justices of the said Court of King's-Bench.  
*Nehemiah Donnellan*, Esq; one of the Barons of the said Court of Exchequer.  
And *Robert Tracy*, Esq; one of the Justices of the said Court of King's-Bench.  
This Abridgment of all the Publick Printed Statutes of *Ireland* now in Force, is with great submission, Humbly Dedicated, By,

*Right Honourable and Honourable,  
Your most Humble Servant,*

G. Meriton.



## AN EXACT

# T A B L E

Of the Titles of all the Printed Publick Statutes of Ireland, from the Third Year of the Reign of King Edward the Second, to the Conclusion of the Session of Parliament in this Kingdom, which ended the 26th day of January, in the 10th Year of his late Majesty's Reign, King William, the Third, as well of all the Statutes that are now in Force, as also of those that stand Repealed, or are Expired, or Discontinued, with the Number of the Chapters, and Year of the King and Queen's Reign, when they were Passed; together with the Names of the Places where the several Parliaments have been held in this Kingdom, and before whom.

Then after the Titles of all the several Statutes Abridged in this Treatise, is Subjoined and Added, to each of them, the Title or Titles, Head or Heads, under which the same are Abridged; As for Example,

Anno 18. H. 6.

**A**N ACT against the Extortion of Purveyors and Harbingers, Cap. 1. Achatours.

Which shews that this Statute is Abridged under the Title of Achatours. And where a Statute is Abridged, part under one Title, and part under another, then both the Titles are Added after the Title of the Statute. As for Example.

Anno 10. Car. 1.

An ACT Expressing an Order for Uses, Wills, and Enrollmentments, Cap. 1. Enrollmentments, Uses.

This denotes this Statute to be Abridged under these two Heads or Titles, part of it under one of them, and part under the other.

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And so if any of the Statutes be Abridged under more than two Heads or Titles, all the Titles are added after the same manner as aforesaid.

Parl. Anno 3. E. 2.

Held at Kilkenny.

An Act to Restrain great Lords, from taking of Prises, Lodging or Sojourning, against the Will of the Owners. Cap. 1. Prisage.

An Act against the keeping of Idlemen and Kearns in time of Peace. Cap. 2. Kearns.

An Act against giving of Protections. Cap. 3. Protections.

An Act against Fraudulent Conveyances. Cap. 4. Fraudulent Conveyances.

An Act, that Justices of Assize shall deliver Estates into the Exchequer. Cap. 5. Justices of Assize.

Parl. Anno 7. H. 6.

Held at Dublin, before Sir John Sutton, Kt. the King's Lieutenant in Ireland.

An Act for the addition of Jurors. Cap. 1. Additions.

Parl. Anno 18. H. 6.

Held at Dublin, before the most Reverend Easter in God, Richard Archbishop of Dublin, Lord Justice of Ireland.

An Act against the Extortion of Purveyors and Harbingers. Cap. 1. Achatours.

An Act, that such as put themselves into Comrick, or that do take any to Comrick, shall be Traytors, and the Comrick Treason. Cap. 2. Comrick.

An Act, that no Lord or other, shall Charge the King's Subjects with Horses, Horsemen or Footmen, without their good Wills, the Offender a Traytor. Cap. 3. Kearns.

An Act that no Protection (*Quia procteturus*) shall be Granted before that the Party make Oath, the Cause containeth Truth, &c. Cap. 4. Protection.

Parl. Anno 25. H. 6.

Held at Tryme before John Earl of Shrewsbury the King's Lieutenant of Ireland.

An Act that the King's Officers may Travel by Sea, from one place to another, within the Land of Ireland. Cap. 1. Officers and Offices.

An Act that the King's Subjects or Officers in Ireland, may be Absent by the Commandment of the King, or the Governour, or of the Council, without Seisure of their Lands, Rents, Benefices or Offices, &c. Cap. 2. Officers and Offices.

An Act that none shall take Custom, but within Cities, Burroughs or Merchant Towns, where there is Authority to take Customs. Cap. 3. Customers.

An Act that he that will be taken for an Englishman, shall not use a Beard upon his upper Lip alone, the Offender shall be taken as an Irish Enemy. Cap. 4. Rep.

An Act, that if any Irish Enemy, received to the King's Allegiance shall be found after to Rob, Spoil and Destroy the Liege People, it shall

# Of the Irish Statute.

shall be lawful to every Liege Man to do with him and his Goods, as to a Man that never was become Liege. *Cap. 5.* Rep.

An Act against Clipped Money, Money called *O Reyles*, and other unlawful Money, and against Gilt Bridles, Peytrels and other Gilt Harness. *Cap. 6.* Rep.

An Act, that the Sons of Labourers and Travellers of the Ground, as Plowmen and such others, shall use the same Labours and Travels that their Parents and Fathers have done. *Cap. 7.* Husbandmen.

An Act, that no Lord of Parliament, shall be amerced in Plees real or personal, otherwise than another person. *Cap. 8.* Parliament.

An Act concerning Absentees. *Cap. 9.* Absentees.

An Act Restraining the Transportation of Bullion. *Cap. 10.* Bullion.

Parl. Anno 28. H. 6. *Seff. 1.*

*Held at Dublin before Richard Duke of York, the King's Lieutenant of Ireland.*

An Act, that no Marchour or other Man, shall keep more Horsemen or Footmen, than they will answer for, and Maintain upon their own Charges, and their Tenants, and for presenting the Names of their Men; and that none shall take Coynee, Cuddies or Night Suppers, or shall take no Pledges of them, the Offenders shall be Felons, &c. *Cap. 1.* Rep.

An Act, that upon Accusations made, the Accuser shall find sufficient Surety, for the Damages of the Party accused, if it shall be adjudged against the Accuser, and for Remittal of the accusation to the ordinary Judge, as the nature of the Cause shall require. *Cap. 2.* Accusation.

An Act, that it shall be lawful for every Leige Man, to Kill or take Notorious Thieves and Thieves found Robbing, Spoiling or Breaking Houses, or taken with the manner. *Cap. 3.* Thieves.

An Act, that the Chancellor, Justices or Barons, or their Ministers, shall make forth no Writs of Priviledge, but only for the Ministers or Servants, attendant upon them. *Cap. 4.* Priviledge.

Parl. Anno 28. H. 6. *Seff. 2.*

*Held at Drogheda, before Richard Duke of York, the King's Lieutenant of his Land of Ireland.*

An Act, that no Remembrancer nor his Deputy, shall cause any Process to be made against any that hath Discharge of Record in the Exchequer. *Cap. 1.* Remembrancer.

An Act that no Commission shall be made out of the Chancery to Inquire, Hear and Determine, or to Inquire, Hear and Certify into the Counties of *Dublin, Kildare, Meath, and Uriel*, of Treasons, Felonies, or Goods of Felons, and Men Out-lawed, and other Offences, but that the Chancellor, or Treasurer, or Justices of the one Bench, or the other, or Barons of the Exchequer, the King's Serjeant or Attorney or one of them shall be in the Commission, and of the *Quorum*, and present at the time of such Inquisition taken. *Cap. 2.* Commissions.

An Act, that none shall Sell Wine, Ale or any other Liquor, within any City or Town Franchised, but with the King's Measures,

Sealed,

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Sealed, that is to say, the Gallon, the Pottle, the Quart, the Pint, or the half Pint. *Cap. 3.* Measures.

Parl. Anno 32. H. 6.

*Held before Edward Fitz-Eustace, Ks. Deputy to Richard Duke of York, the King's Lieutenant of his Land of Ireland.*

An Act, that all Statutes made against Provisours, as well in England, as in Ireland, shall be had and kept in Force. *Cap. 1.* Provisours.

An Act for Discharging of the Jurors in Inquisitions upon sight of the Bodies before Coroners, being at two several days Sworn, that they do not know the Felon. *Cap. 2.* Jurors.

An Act, that the matter of every Appeal, shall be declared before the Governor and Council, and if the matter do not touch the King's Person, then the Appeal shall be sent to the King's Bench, to be determined at Law. *Cap. 3.* Rome.

Parl. Anno 33. H. 6.

*Held at Dublin, before Thomas Fitz-Morice Earl of Kildare, Deputy to Richard Duke of York, the King's Lieutenant of his Land of Ireland.*

An Act, whereby Commissioners are Prohibited to Award Exigents, *Cap. 1.* Exigents.

An Act, that the Recorders or Clerks of Dublin, and Drogbeda, shall have but two pence for the Copy of a Plaintiff. *Cap. 2.* Fees.

An Act, that every Man shall answer for his Son and waged Men, *Cap. 3.* Rep.

An Act, concerning Commissioners and Escheators. *Cap. 4.* Escheators.

Parl. Anno 35. H. 6.

*Held at Naas, before Thomas Fitz-Morice Earl of Kildare, Deputy to Richard Duke of York, the King's Lieutenant of his Land of Ireland.*

An Act, that Frenchmen, Spaniards, Brittons, Portingales, and other Nations, coming out of other Lands with Merchandises, shall pay for every pound of Silver that they carry out of this Land, Forty pence of Custom, to the King's Customers. *Cap. 1.* Silver.

An Act, that every Man shall answer for the Offence of his Sons, as the Offender ought to do, saving Punishment of Death, *Cap. 2.* Trespass.

An Act, that Persons not Amenable to the Law, shall not Enter, Distain, Rob, Threaten or Kill any Tenants for any Lands or Tenements, contrary to the Common Law, but shall first shew their Title to the Governor and Council, and thereupon have License to Distain, or Enter in Peaceable manner, *Cap. 3.* Forcible Entry.

Parl. Anno 36. H. 6.

*Held at Dublin, before Thomas Earl of Kildare, Deputy to Richard Duke of York, the King's Lieutenant of his Land of Ireland.*

An Act, that beneficed Persons shall keep Residence. *Cap. 1.* Residence.

An Act concerning the inclosing of Towns and Villages. *Cap. 2.* Inclosures.

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Parl. Anno 37. H. 6.

*Held at Dublin, before Thomas Earl of Kildare, Deputy to Richard Duke of York, the King's Lieutenant of his Land of Ireland.*

An Act, that Warrants made to the Great Seal, shall have the day of their Delivery to the Chancellor, &c. Entred; and that the Patents shall bear the Date of that day, Cap. 1. Letters Patents.

Parl. Anno 38. H. 6.

*Held at Drogheda, before Richard Duke of York, the King's Lieutenant of his Land of Ireland.*

An Act, that none shall Sue Actions in the Exchequer, unless the Plaintiff be Minister to the Exchequer, or Servant to any Minister of Record of the Exchequer, upon pain of Ten pounds, Cap. 1. Exchequer.

Parl. Anno 2. E. 4.

*Held at Dublin, before Sir Rowland Fitz-Eustace, Kt. Lord of Portlester, Deputy to George Duke of Clarence, the King's Lieutenant of his Land of Ireland.*

An Act, that certain Money shall be received of the Issues and Profits of the Courts, for the repairing the Hall of the Castle, Cap. 1. Dublin Castle.

Parl. Anno 3. E. 4.

*Held at Weyns, before Thomas Desmond, Earl of Desmond, Deputy to George Duke of Clarence, the King's Lieutenant of his Land of Ireland. And Adjourned from thence to Waterford, and from thence to Naas, and from thence to Dublin.*

An Act, whereby the Lords and Commons of the Parliament, hath Priviledge, for certain Days before and after the said Parliament, Cap. 1. Parliament.

An Act, what Fees Attorneys in the King's Courts shall take; and what Fees shall be paid for Writs, Cap. 2. Fees.

An Act against clipped Money, Cap. 3. Money.

Parl. Anno 5. E. 4.

*Held at Trym before Thomas Earl of Desmond, Deputy to George Duke of Clarence, the King's Lieutenant of Ireland.*

An Act that like Challenges shall be made touching the Feoffee to Use, as should be touching him to whose Use he standeth Infeoffed, Cap. 1. Challenge.

An Act that it shall be lawful to Kill any that is found Robbing by Day or Night, or going or coming to Rob or Steal, having no faithful Man of good Name or Fame in their Company, in English Apparel, Cap. 2. Rep.

An Act that the Irishmen dwelling in the Counties of Dublin, Meath, Uriel, and Kildare, shall go apparelled like Englishmen, and wear their Beards after the English manner, Swear Allegiance, and take English Surname, Cap. 3. Apparel.

An Act that every Englishman, and Irishman that dwelleth with Englishmen, and speaketh English, between Sixty and Sixteen in years, shall have an English Bow and Arrows, Cap. 4. Bows and Butts.

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An Act for having a Constable in every Town, and a pair of Butts for Shooting; and that every Man betwixt Sixty and Sixteen shall Shoot every Holy-day at the same Butts, Cap. 5. Bows and Butts.

An Act that no Ship or other Vessel, of any Foreign Country, shall go to Fishing in the Irish Countries, and for Custom to be paid of the Vessel that cometh from Foreign Lands to Fishing, Cap. 6.

Fish and Fishing.

Parl. Anno 7. E. 4.

Held at Dublin before John Earl of Worcester, Deputy to George Duke of Clarence, the King's Lieutenant of his Land of Ireland.

An Act that the Governour for the time being may pass into Islands, Cap. 1. Officers and Offices.

An Act that none shall purchase Benefices from Rome, Cap. 2. Provisors.

An Act whereby Letters Patents of Pardon from the King, to those that sue to Rome for certain Benefices, is void, Cap. 3. Provisors.

An Act for the removing of the Exchequer and Common-Pleas, Cap. 4. Exchequer.

Parl. Anno 8. E. 4.

Held at Drogheda.

An Act concerning Rape, Cap. 1. Rape.

An Act against Ingrofiers and Regrators of Corn, Cap. 2. Corn.

Parl. Anno 12. E. 4.

Held at Naas before Thomas Fitz-Morris Earl of Kildare, Deputy to George Duke of Clarence, the King's Lieutenant of his Land of Ireland, and Prorogued and Adjourned from thence to the King's City of Dublin.

An Act for prohibiting Staple-wares to be carried into Scotland without paying Custom, Cap. 1. Merchants and Merchandizes.

An Act for bringing Bows into this Realm from the Realm of England by Merchants, Cap. 2. Rep.

An Act that no Grain be Laden out of the Realm, unless the same be at a certain price, Cap. 3. Corn.

Parl. Anno 15. E. 4.

Held at Dublin before the Reverend Father in God William Bishop of Meath, Deputy to George Duke of Clarence, the King's Lieutenant of his Land of Ireland.

An Act prohibiting Distresses to be taken contrary to the Common-Law, Cap. 1. Distresses.

Parl. Anno 18. E. 4.

Held at Naas before Gerald Earl of Kildare, the King's Justice of his Land of Ireland.

An Act whereby Distresses taken for Rent may be Sold, Cap. 1. Distresses.

An Act concerning the Chusing of Knights and Burgeesses of Parliament, Cap. 2. Parliament.

Parl. Anno 20. E. 4.

Held at Dublin before Gerald Earl of Kildare, Deputy to the King's Son, Richard Duke of York, the King's Lieutenant of his Land of Ireland.

An Act to restrain the carrying of Hawks out of this Kingdom, Cap. 1. Hawks.

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Parl. Anno 8. H. 7.

*Held at Dublin before Walter Arch Bishop of Dublin, Deputy to Jasper Duke of Bedford and Earl of Pembrook, the King's Lieutenant of his Land of Ireland.*

An Act for the cleansing of the Water-course in Saint Patrick's Street, Cap. 1. St. Patrick.

Parl. Anno 10. H. 7.

*Held at Drogheda before Sir Edward Poynings, Knight, the King's Deputy of his Land of Ireland.*

An Act Authorizing the Treasurer to make all Officers as the Treasurer of England doth, Cap. 1. Treasurer.

An Act that the Chancellor and Treasurer, Judges of the King's Bench and Common-Pleas, the Chief and Second Barons of the Exchequer, the Clerk or Master of the Rolls, and all Officers Accomptants, to have their Offices but only at the King's Will and Pleasure, Cap. 2. Officers and Offices,

An Act Annulling a Prescription which Traitors and Rebels claimed within this Land, Cap. 3. Traitors and Treason.

An Act that no Parliament be holden in this Land, until the acts be certified into England, Cap. 4. Parliament.

An Act against Provisors to Rome, Cap. 5. Provisors.

An Act that no Citizen receive Livery or Wages of any Lord or Gentleman, Cap. 6. Retainers and Liveries.

An Act that none be admitted Alderman, Juror, or Freeman in no Town, but if he have been Prentice or Inhabitant in the same, Cap. 7. Corporations.

An Act for the Confirmation of the Statutes of Kilkenny, Cap. 8. Confirmation.

An Act that the Subjects of this Realm shall have Bows and other Armour, Cap. 9. Bows and Butts.

An Act that the Captains of the Marches do certifie the names of such as they have in their Retinue, Cap. 10. Marches.

An Act that no person take any Money or Amends for the Death or Murder of his Friend or Kinsman, other than the King's Laws will, Cap. 11. Murder.

An Act that no Great Ordnances be in no Fortress, but by License of the Deputy, Cap. 12. Ordnance.

An Act that no person stir any Irishry to make War, Cap. 13. Traytors and Treason.

An Act that one born in the Realm of England, to be Constable of Dublin, Trym, Lexlipp, Athlone, Wicklow, Green-Castle, Carlingford and Cragfergous, Cap. 14. Rep.

An Act touching the keeping of Records of the Earldoms of March, Connaught, Trym and Ulster, Cap. 15. Exp.

An Act for the Lords of Parliament to wear Robes, Cap. 16. Parliament.

An Act that no Peace nor War be made with any Man without License of the Governour, Cap. 17. Peace and War.

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An Act declaring a rate what Soldiers shall pay for their Meat and Drink in time of Hostility. Cap. 19. Soldiers.

An Act abolishing these words *Cromabo* and *Butlerabo*, Cap. 20. Cromabo, Butlerabo.

An Act whereby Murder of Malice prepensed is made Treason, Cap. 21. Traytors and Treason.

An Act confirming all the Statutes made in England, Cap. 22. Confirmation

An Act Repealing a Parliament holden at Drogbeda, before Robert Preston Lord of Gormandstown, Cap. 23, Parliament.

Parl. Anno 14. H. 7.

Held at Tristledermot before Gerald Earl of Kildare, Deputy of the Land of Ireland.

An Act for punishing of Customers, &c. for their Misdemeanours, Cap. 1. Customers.

Parl. Anno 15. H. 7.

Twelve pence Levied by the King out of every Twenty shillings worth of Wares brought into Ireland, Wine and Oyl only excepted, Cap. 1. Customers.

Parl. Anno 7. H. 8.

Held at Dublin before Gerald Earl of Kildare, the King's Deputy of his Dominion and Land of Ireland.

An Act for and against such as Sue Letters under the Privy Seal out of England, Cap. 1. Seal.

Parl. Anno 13. H. 8.

Held at Dublin before Thomas Earl of Surrey, one of the Knights of the Garter, High Admiral of England, Ireland, Wales, Normandy, Gascoign, Acquitain, and the King's Lieutenant in his Land of Ireland.

An Act for burning of Corn, as well in Recks in the Fields, as in Villages and Towns, Cap. 1. Corn.

An Act against Lading Wooll and Flocks, Cap. 2. Wooll and Woollen Manufactures.

An Act touching Jurors to pass in Attaint, Cap. 3: Attaints.

Parl. Anno 25. H. 8,

Held at Dublin before Gerald Earl of Kildare, Deputy to Henry Duke of Richmond and Somerset, the King's Lieutenant of his Land of Ireland.

An Act for Lezers of Con, Cap. 1. Corns.

An Act for the Uniting and Appropriation of the Parsonage of Galtrim to the Priory of St. Peters by Trym, Cap. 2. Galtrim Parsonage.

Parl. Anno 28. H. 8.

Held at Dublin before Sir Leonard Gray, Kt. Lord Gray, Deputy to the King and to Henry Duke of Richmond and Somerset, the King's Lieutenant of his Land and Dominion of Ireland; and from thence Adjourned to the Village of Kilkenny, and from thence to the Village of Cashel, thence to the City of Limerick, and from thence back again to the City of Dublin,

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An

## X

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*An Act for the Attainder of the Earl of Kildare, and others, Cap. 1.*  
*Traytors and Treason.*

*An Act for the Succession of the King, and Queen Anne. Cap. 2.*  
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*An Act of Absentees. Cap. 3.* Absentees.

*The Repeal of Poyning's Act, Cap. 4.* Parliament.

*An Act authorizing the King, his Heirs and Successors to be Supream Head of the Church of Ireland, Cap. 5.* Supream Head.

*An Act of Appeals, Cap. 6.* Rome.

*An Act of Slander, Cap. 7.* Traytors and Treason.

*An Act for First Fruits, Cap. 8.* First Fruits.

*An Act for Dalebide's Lands in Carbery, Cap. 9.* Traytors and Treason.

*An Act how Persons Robbed shall be restored to their Goods, Cap. 10.*  
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*An Act restraining Tributes to be given to Irishmen, Cap. 11.*  
 Tributes.

*An Act against Proctors to be any Members of Parliament, Cap. 12.*  
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*An Act against the Authority of the Bishop of Rome, Cap. 13.*  
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*An Act for the twentieth Part, Cap. 14.* Twentieth Part.

*An Act for the English Order, Habit, and Language, Cap. 15.*  
 Apparel, English Language.

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*An Act for Lading of Woolls and Flocks, Cap. 17.* Wooll, &c.

*An Act for Probat of Testaments, Cap. 18.* Administrators, Fees, Wills.

*An Act of Faculties, Cap. 19.* Rome.

*An Act declaring the Effect of Poyning's Act, Cap. 20.* Parliament.

*An Act of Penal Statutes, Cap. 21.* Actions popular.

*An Act for the Weares upon the Barrow, and other Waters in the County of Kilkenny, Cap. 22.* Weares.

*An Act for the Parsonage of Dongarvan, Cap. 23.* Dongarvan.

*An Act for Lezars of Corn, Cap. 24.* Corn.

*An Act of Leafes, Cap. 25.* Leafes.

*An Act for the First Fruits of Abbies, Priories, and Colleges, Cap. 26.* First Fruits.

Parl. Anno 33. H. 8. Seff. 1.

*Held at Dublin before Sir Anthony Sentleger, Kt. one of the Gentlemen of the King's Bed-Chamber, the King's Deputy of his Kingdom of Ireland, and from thence Anjourned to Limerick, thence to the Village of Trym, and from thence back to the City of Dublin.*

*An Act that the King and his Successors to be Kings of Ireland, Cap. 1.* King's.

*An Act for Gray Merchants, Cap. 2.* Gray Merchants.

*An Act that the Plaintiff may Abridge his Plaint in Assize, Cap. 3.*  
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An Act that Consanguinity or Affinity within the fifth Degree shall be no principal Challenge, Cap. 4. Challenge.

An Act that maketh it Felony to any Man to run away with his Master's Casket, Cap. 5. Servants.

An Act for Marriages, Cap. 6. Marriages.

An Act for all Lords to Distain upon the Lands of them holden, and to make their Avowry, not naming the Tenant but the Land, Cap. 7. Avowry.

An Act for Capacities, Cap. 8. Ability.

An Act for Servants Wages, Cap. 9. Servants.

An Act for Joynt-Tenants, Cap. 10. Joynt-Tenants.

An Act for Recovery in avoiding Leases, Cap. 11. Recoveries.

An Act for Tythes, Cap. 12. Tythes.

An Act for Attorments, Cap. 13. Recoveries.

An Act for Erecting of Vicarages, Cap. 14. Vicarages.

An Act for Vagabonds, Cap. 15. Vagabonds.

Parl. Anno 33. H. 8. Seff. 2.

*Holden at Limerick before the aforesaid Deputy.*

An Act for the Adjournment of the Parliament, and the place to hold the same; and what Persons shall be Chosen Knights and Burghesses, Cap. 1. Parliament.

An Act for the Election of the Lords Justices, Cap. 2. Election of Lord Lieutenant, &c.

An Act touching Mispleading and Jeofails, Cap. 3. Attornies, Jeofails, Pleaders.

An Act for Lands given by the King, Cap. 4. Letters Patents.

An Act for the Suppression of Kylmainham, and other Religious Houses, Cap. 5. Religious Houses.

Parl. Anno 34. H. 8. Seff. 1.

*Holden at Dublin before the same Deputy.*

An Act for the Division of Meath into two Shires, Cap. 1. Counties.

An Act that for Persons standing bound in any Court for their Appearance, and being in Service, to be discharged by Writ, Cap. 2. Recognizance.

Parl. Anno 34. H. 8. Seff. 2.

*Held at Dublin before the same Deputy.*

An Act touching the Manner and Castle of Dongarvan, Cap. 1. Dongarvan.

Parl. Anno 3 & 4 P. & M.

*Held at Dublin before Sir Thomas Radcliff Knt. Earl of Suffex, Viscount Fitz-water, Lord Egremont and Burnell, one of the Gentlemen of the King's Privy Chamber, Captain of the Queen's Gentlemen Pensioners in the Kingdom of England, and Deputy to the King and Queen of their Kingdom Ireland.*

An Act for the disposition of Leixe and Offaily, Cap. 1. Grants.

An Act whereby the King and Queen's Majesties, and the Heirs and Successors of the Queen, be Entitled to the Counties of Leixe, Slewlarge, Irry, Glenmaliry, and Offaily; and for making the same Countries Nine-Grounds, Cap. 2. Counties. B 2 An

An Act to convert and turn divers and sundry waste Grounds into Shire Grounds, cap. 3. Counties.

An Act declaring how Poyning's Act shall be expounded and taken, cap. 4. Parliament.

An Act against Corsors and Idle Men, cap. 5. Horses.

An Act that Owners of Goods stolen may be restored thereunto, cap. 6. Restitution.

An Act against making of Aqua Vita, cap. 7. Aqua Vita.  
Parl. Anno 2. Eliz.

Held at Dublin before Thomas Earl of Suffex, Knight of the Garter, Captain of the Queen's Guard of Gentlemen Pensioners, Chief Justice of all her Forrests, Parks and Chases on this side of Trent, and the Queen's Deputy of her Kingdom of Ireland.

An Act restoring to the Crown the ancient Jurisdiction over the State Ecclesiastical and Spiritual, and abolishing all Foreign Power repugnant to the same, cap. 1. Rome.

An Act for the Uniformity of Common Prayer and Service in the Church, and the Administration of the Sacraments, cap. 2. Uniformity.

An Act for the Restitution of the First Fruits and 20th Part, and Rents reserved Nomine X or XX of Parsonages Improperiate, to the Imperial Crown of this Realm, cap. 3. First Fruits.

An Act for the Conferring and Consecrating of Arch-Bishops and Bishops within this Realm, cap. 4. Bishops.

An Act of Recognition of the Queen's Highness Title to the Imperial Crown of this Realm, cap. 5. Crown.

An Act whereby certain Offences be made Treason, cap. 6. Traytors and Treason.

An Act for the Restitution of the late Priory or Hospital of Saint John Jerusalem in Ireland, and of all the Mannors, Lordships, Commandries and Hereditaments of the same to the Imperial Crown of this Realm, cap. 7. Religious Houses.

Parl. Anno 11. Eliz. Sess. 1.

Held at Dublin before Henry Sidney, Knight of the Garter, Lord President of her Majesty's Council within her Principality and Marches of Wales, and the Queen's Deputy General of her Kingdom of Ireland; Prorogued from thence to the Village of Drogheda, and from thence Prorogued back again to the City of Dublin.

An Act of Subsidy Granted to the Queen's Majesty, cap. 1. Exp.

An Act for the Limitation of places for Tanning of Leather, cap. 2. Rep.

An Act confirming the Queen's Title, and the Interest of Patentees in the Lands of late belonging to Christopher Bustace and others, cap. 3. Traytors and Treason.

An Act that five persons of the best and eldest of every Nation amongst the Irishry, shall bring in all the Idle persons of their Surname to be Justified by the Law, cap. 4. Rep.

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An Act for Reviving the Statute against Gray Merchants, the Statute for Servants Wages, and the Statute of Jeofails, cap. 5. Continuance.

Parl. Anno 11. Eliz. Seff. 2.

Held at Dublin before the Deputy aforesaid.

An Act Authorizing Statutes, Ordinances and Provisions to be made in this present Parliament concerning the Government of the Common-Weal, and the Augmentation of her Majesties Revenues, notwithstanding Poyning's Act, cap. 1. Parliament.

Parl. Anno 11. Eliz. Seff. 3.

Held at Dublin before the Deputy aforesaid.

An Act for the Attainder of *Sbase Oneile*, and the extinguishment of the name of *Oneile*, and the Entituling the Queen's Majesty, her Heirs and Successors, to the Country of *Tyrone*, and to other Countries and Territories in *Ulster*, cap. 1. Traytors and Treason.

An Act for the making of *Trinity Term* shorter, and for the Commencement thereof, cap. 2. *Trinity Term*.

An Act Entituling the Queen's Majesty, her Heirs and Successors, to *Thomas*, Knight of the Vallies Lands, in *Munster*, cap. 3. *Traytors and Treason*.

An Act for the preservation of Salmon-fry and Eel fry, cap. 4. Swine.

An Act against laying Hemp, Flax, and Limed Hydes, in any Fresh Water or River, cap. 5. *Hemp and Flax*.

An Act Authorizing the the Governour for Ten Years to come, to present to the Dignities of *Munster* and *Connaught*, cap. 6. *Exp.*

An Act for taking away Captainships, and all Extortions belonging thereunto, from the Lords and Great Men of this Realm, cap. 7. Captains.

An Act that there be no Bill certified into *England* for the Repeal or Suspending of the Statute past in *Poyning's* time, before the same Bill be first agreed on in a Session of a Parliament holden in this Realm, by the greater number of the Lords and Commons, cap. 8. Parliament.

An Act for turning of Countries that be not Shire-grounds into Shire-grounds, cap. 9. Counties.

An Act for the staying of Wooll, Flocks, Tallow, and other Neces- saries, within this Realm, cap. 10. *Wooll*

An Act giving Order for bringing in of Wines into this Realm, where they shall be Discharged, who shall Rate the Prices of them, and also for Grant of Custom out of the same Wines, cap. 11. *Exp.*

An Act for restoring the Earl of *Kildare*, his Brother and Sisters to their Blood, cap. 12. Restitution

Parl. Anno 12. Eliz. Seff. 4.

Held at Dublin before the Deputy aforesaid.

An Act for the Erection of Free Schools, cap. 1. Schools and School-Masters

An Act that Exemplifications shall be of the same effect and strength as the Record or Matter exemplified should be, cap. 2. Exemplifications

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An Act for the Establishing the Standard of Measures for Corn within certain Shires of this Realm, cap. 3. Measures.

An Act Authorizing the Governor for the time being, by the Advice of the more part of the Privy Council, and upon her Majesty's Pleasure signified by Instruction or Letter to grant Letters Patents to the Irishry and Degenerated Men of English Name, of their Lands, &c. yielding to her Majesty, her Heirs and Successors, certain Reversions, cap. 4. Tenure

Parl. Anno 13. Eliz. Seff. 5.

Held at Dublin before the Deputy aforesaid.

An Act that such Cloth and Stuff as shall be wrought of Wooll, Flocks, Linnen Yarn, Wollen-Yarn, Sheep-Fell, Calf-Fell, Goat Fell, Red Deer-Fell or Fallow Deer-Fell, within this Realm, shall be Transported for Merchandise only by the Merchants, within every the Staple Cities and Towns of this Realm, and by the Free Merchants of the Burroughs and Priviledged Towns, and by none other, Cap. 1. Cloth.

An Explanation of the Act make in a Session of this Parliament, for the Staying of Wooll, Flocks, Tallow, and other Wares and Commodities, mentioned in the said Act, and certain Articles added to the same Act, cap. 4. Wooll.

An Act, for the Attainder of *John Fitz-Gerald* called in his Life time, the *White Knight*, otherwise called *John Oge Fitz-John Knight Fitz-Gibbons*, Cap. 5. Traitors and Treasons.

An Act, Authorizing the Primate of *Ardmagh*, to set his Lands and Possessions in the Irish Pale, for Years without the Assent of his Chapter, Cap. 6. Exp.

An Act, for the Attainder of *Thomas Queverford*, late of *Balymacke*, Cap. 7. Traitors and Treason.

Parl. Anno 27 Eliz. Seff. 1.

Held at Dublin, before Sir John Perrot, Kt. the Queen's Deputy General of her Kingdom of Ireland.

And Parl. Anno 28. Eliz. Seff. 2.

Held at Dublin, before Sir John Perrot Kt. the Queen's Deputy General of Her Kingdom of Ireland.

An Act, for the Attainder of *James Eustace*, late Viscount of *Ballyglas* and others, Cap. 1. Traitors and Treason.

An Act, for the Restitution in Blood of *Lawrence de la Hide*, cap. 2. Restitution.

Anno 28 Eliz.

An Act, concerning willfull Perjury, cap. 1.

Perjury.

An Act, against Witchcraft and Sorcery cap. 2.

Witchcraft.

An Act against Forging of Evidences, &c.

Forgery.

An Act of Impots and Customs of Wine, &c. cap. 4.

Wine.

An Act, concerning the Avoiding of Fraudulent Conveyances, made by the late Rebels in *Ireland*, cap. 5. Traitors and Treason,

An Act, against Forging and Counterfeiting Foreign Coin, &c. Cap. 6. Money.

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An Act, for the Attainder of the late Earl of *Desmond*, and others mentioned in this Act. Cap. 7. Traitors and Treason.

An Act, for the Attainder of *John Brown of Knockmonbie*, and others mentioned in this Act. Cap. 8. Traitors and Treason.

An Act, for the Restitution in Blood of *Taffes Wife*. Cap. 9. Restitution.

Parl. Anno 11, 12, & 13. Jas. I.

*Held at the Castle of Dublin, before Arthur Lord Chichester of Belfast, the King's Deputy General of His Kingdom of Ireland.*

A most joyful and just Recognition of His Majesty's lawful, undoubted and absolute Right and Title, to the Crown of *Ireland*. Cap. 1. Crown.

An Act, for Punishing of Pirates and Robbers on the Sea. Cap. 2. Piracy.

An Act, for the taking away of Clergy, in certain Cases of Felony, and for Delivery of Clerks Convict without Purgation. Cap. 3. Clergy.

An Act, for Attainder of *Hugh late Earl of Tyrone, Rory late Earl of Tyrconnel, Sir Cabire Odogherty, Kt.* and others. Cap. 4. Traitors and Treason.

An Act, of Repeal of divers Statutes concerning the Natives of this Kingdom of *Ireland*. Cap. 5. Repeal.

An Act, for Repeal of one Statute made against bringing in of Scots, retaining them and Marrying with them. Cap. 6. Repeal.

An Act, for Repairing and Amending of High-ways, and Cashes ; and Cutting or Clearing of Paces. Cap. 7. High-Ways.

An Act, for the Avoiding of private and secret Out-lawries, of His Majesty's Subjects in personal Actions. Cap. 8. Attorneys Proclamation.

An Act, for the King's Majesty's most Gracious General and Free Pardon. Cap. 9. Exp.

Parl. Anno 10. Car. I. Sess. 1.

*Held at the Castle of Dublin, before Thomas Viscount Wentworth, Baron Wentworth Wood-house, Lord Newmarch and Oversly, Lord President of the King's Council, Established in the North part in England, Lord Lieutenant of the County of York, and the King's Deputy General of His Kingdom of Ireland.*

An Act, for the Grant of Four Intire Subsidies, by the Temporality. Cap. 1. Exp.

An Act, for the further Granting of Two Intire Subsidies by the Temporality, above the Four Subsidies now Granted by this present parliament. Cap. 2. Exp.

An Act, for Confirming of Letters Patents, hereafter to be past upon His Majesty's Commission of Grace, for the Remedy of Defective Titles. Cap. 3. Letters Patents.

Parl. Anno 10. Car. I. Sess. 2.

*Held at the Castle of Dublin, before the same Deputy.*

An Act, expressing an Order for Uses, Wills and Inrollments. Cap. 1. Inrollments, Uses. An

An Act, how Lands, Tenements, &c. may be disposed by Will or otherwise ; and concerning Wards and Primer Seisin. Cap. 2.  
Wills.

An Act, against Covenanted and Fraudulent Conveyances. Cap. 3.  
Fraudulent Conveyances. Statutes.

An Act, concerning Grantees of Reversions, to take Advantage of Breaches of Condition, &c. Cap. 4. Letters Patents.

An Act, for Recovery of Arrearages of Rents by Executors of Tenant in Fee Simple. Cap. 5. Rents.

An Act, for Limitation of Actions, and for Avoiding Sutes in Law. Cap. 6. Limitation. Disclaimer.

An Act, that wrongful Disseisin, &c. is no Discent in Law. Cap. 7. Disseisin.

An Act, for the Exposition of the Statute of Fine, Cap. 8. Fines.

An Act, touching Proclamations upon Fines. Cap. 9. Fines.

An Act, for the Reformation of Errors in Fines and Recoveries. Cap. 10. Fines. Chyrographer. Inrollments.

An Act, for Expedition of Justice in cases of Demurrsers, &c. Cap. 11. Demurrsers.

An Act, for Reformation of Jeofailes, &c. Cap. 12. Jeofailes.

An Act, concerning the Appearance of Jurors, in the *Nisi prius*, cap. 13. Jurors.

An Act, for the Continuance of Actions, after the Death of any King, cap. 14. Abatement. Discontinuance of Process. Reprieve.

Like Process shall be had in every Writ of Annuity, and certain other Actions, as in an Action of Debt. cap. 15. Process.

An Act, for ease in Pleading, against troublesome and contentious Suites, Prosecuted against Sheriffs, Justices of the Peace, Mayors, Constables, and certain other Officers, for the lawful Execution of their Office. cap. 16. Officers and Offices.

An Act, that where the Plaintiff, is non Sute, the Defendant shall Recover Costs, cap. 17. Costs.

An Act, appointing an Order to Justices of the Peace, touching the Bailment, committing and taking Examination of Prisoners, &c. cap. 18. Examination, Coroners, Habeas Corpus.

An Act, for the Tryal of Murders and Felonies, Committed in several Counties, &c. cap. 19. Tryal.

An Act, for the Punishment of the Vice of Buggery. cap. 20. Buggery.

An Act, for the Restraining of all persons from Marriage, until their former Wives and former Husbands be Dead. cap. 21. Marriages.

An Act, against Usury. cap. 22. Usury.

An Act, to Avoid and Prevent divers Misdemeanours in Idle and Lewd persons, in Barking of Trees, &c. cap. 23. Hedge Breakers and Barkers of Trees, &c.

An Act, for the better Preservation of Fishing, in the Counties of Dublin, Wicklow, Wexford, Waterford, Cork, Kerry, Clare, Galway, Mayo, Sligo, and all other Counties and Places, within the Realm of Ireland and the Dominions

Dominions thereof, adjoining to the Sea Coasts; and for the Relief of Balkers, Condors and Fisher-men, against malicious Sutes. cap. 24.

Fish and Fishing.

An Act, for the Impounding of Distresses. cap. 25. Distresses.

An Act, concerning the Repairing and Amending of Bridges, Cawseys and Toghers in the High-ways. cap. 26. Bridges.

Parl. Anno 10. Car. I. Sess. 3.

*Held at the Castle of Dublin, before the Deputy aforesaid.*

An Act, for Maintenance and Execution of Pious Uses. cap. 1.

Pious Uses.

An Explanation of a Statute made in a Session of this Parliament, Intituled, an Act for Confirmation of Letters Patents hereafter to be passed upon His Majesty's Commission of Grace, for the Remedy of defective Titles. cap. 2. Letters Patents.

An Act, for securing of the Estates of the Under-takers, Servitors, Natives and others, holding Lands, Tenements or Hereditaments, in all and every the Plantations made by our late Sovereign Lady Queen Elizabeth, or by our late most Gracious Lord King James, or the King's most Excellent Majesty that now is, in the several Counties of Waterford, Cork, Limerick, Kerry, Tipperary, Wexford, Wicklow, King's County, Queen's County, Westmeath, Leitrim, Longford, Tyrone, Ardmagh, Donegal, Fermanagh, Cavan, and Londonderry. cap. 3. Plantation, Lands and Planters.

An Act for the Naturalization of all the Scottish Nation, which were *Ante Nati*, Born before His Majesty King James, of ever blessed Memory, his happy Access unto the Crown of England and Ireland, &c, cap. 4. Scots.

An Act, for Confirmation of Leafes made by the Lord Primate, and other Bishops in Ulster. cap. 5. Exp.

An Act, That Lessees shall enjoy their Farms against Tenant in Tail, or in Right of their Wives, &c. cap. 6. Leafes.

An Act, for Contentation of Debts upon Execution. cap. 7. Execution.

An Act, for to avoid unnecessary Delays of Execution. cap. 8. Execution.

An Act, for Relief of Creditors, against such persons as die in Execution, cap. 9. Execution.

An Act, against the fraudulent Administration of Intestates Goods, cap. 10. Administrators.

An Act, for the Avoiding of Recoveries, suffered by Collusion by Tenants for Term of Life, and such others, cap. 11. Recoveries.

An Act, for Avoiding of secret Summons in real Actions, cap. 12. Summons.

An Act, for Explanation of the Statute of *Anno Octavo of Henry the Sixth*, concerning Forcible Entries; and to enable certain Judges and Officers to give Restitution of Possession in certain Cases, cap. 13. Forcible Entry.

An Act, against the killing of young Spawn and Fry of Eels and Salmon, cap. 14. Fish and Fishing.

An Act, against Maintenance, Embracery, &c. and against unlawful Buying of Titles, cap. 15. Maintenance.

An Act, concerning Women Convicted of small Felonies, cap. 16. Women.

An Act, for the Punishment of such as shall take away Maidens that be Inheritors, being within the Age of Sixteen years, or Marry them without the Consent of their Parents, cap. 17. Women.

An Act, for the Swearing of Under-Sheriffs and other Officers, cap. 18. Sheriffs.

An Act, to prevent Extortions in Sheriffs, Under-Sheriffs, and Bailiffs of Franchises and Liberties, in Cases of Execution, cap. 19. Fees.

An Act, against such as shall Levy any Fine, suffer any Recovery, knowledge any Statute, Recognizance, Bail or Judgment, in the Name of any other person, not being privy and consenting thereto, cap. 20. Fines.

An Act, whereby certain of the Nobility of *Ireland* dwelling within *England*, or elsewhere out of this Realm, are made lyable unto certain Charges within this Kingdom, cap. 21. Nobility of *Ireland*.

An Act, to Repeal a Statute made in the Twelfth year of King Edward the Fourth, concerning bringing Bows into this Kingdom, cap. 22. Repeal.

An Act, for the Granting of Eight Entire Subsidies by the Prelates and Clergy of *Ireland*, cap. 23. Exp.

Parl. Anno 10 & 11. Car. I. Seff. 4.

Held at the Castle of Dublin, before the Deputy aforesaid.

An Act, to prevent and Reform profane Swearing and Cursing, &c. cap. 1. Swearing and Cursing.

An Act, to enable Restitution of Impropropriations and Tythes, and other Rights Ecclesiastical to the Clergy, with a Restraint of Aliening the same; and Direction for Presentations to the Churches, cap. 2.

Presentation, Union, Leases, Appropriations.

An Act, for the Preservation of the Inheritance, Rights and Profits, of Lands belonging to the Church, and Persons Ecclesiastical, cap. 3. Leases Officers and Offices.

An Act, for the Erecting of Houses of Correction, for the Punishment of Rogues, Vagabonds, Sturdy Beggars and other Lewd and Idle persons, Cap. 4. Houses of Correction.

An Act, for Keepers of Ale-houses to be bound by Recognizance, Cap. 5. Abroga.

An Act, for Repeal of diverse Statutes, heretofore Enacted in this Kingdom of *Ireland*, Cap. 6. Repeal.

An Act, of Explanation of a Statute made in this Realm, in the Eighteenth year of the Reign of the late King Edward the Fourth, intituled, *An Act whereby Distresses taken for Rent may be Sold*, Cap. 7. Distresses.

An Act, to give Costs to the Defendant, upon a Non-Suit of the Plaintiff, or Verdict against him, Cap. 8. Costs.

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An Act, for the Limitting of Peremptory Challenges in Cases of Treason and Felonies, &c. Cap. 9. Challenge.

An Act, to Prevent and Punish the Abuses in procuring Process and Supersedeas of the Peace and good behaviour, out of His Majesty's Courts of Chancery and King's Bench; and to prevent Abuses in procuring Writs of *Certiorari*, Cap. 10. Supersedeas.

An Act, for the Ease of the Subject, concerning Informations upon penal Statutes, Cap. 11. Informers and Informations.

An Act, for new Executions to be Sued against any which hereafter shall be Delivered out of Execution, by Priviledge of Parliament, Cap. 12. Execution.

An Act, for the following of Hue and Cry. Cap. 13. Hue and Cry.

An Act, concerning Errors in Records of Attainder of High-Treason and Felony, Cap. 14. Attainder.

An Act, against Plowing by the Tail, and pulling the Wooll off Living Sheep, Cap. 15. Horses.

An Act, for the Suppressing of Cosherers and Idle Wanderers, Cap. 16. Cosherers.

An Act, to prevent the unprofitable custom of burning of Corn in the Straw, Cap. 17. Corn.

An Act, Restraining the abusive taking and distraining for Herriots, Cap. 18. Herriots.

An Act, for the King's Majesty's most Gracious, General and Free Pardon, Cap. 19. Exp.

Parl. Anno 15. Car. I.

Begun and Held, at the Castle of Dublin, before Thomas Earl of Strafford, Viscount Wentworth, Baron of Wentworth, Woodhouse Lord Newmarsh, Oversley, and Raby, Lord President of the King's Council, Established in the North part of England, Lord Lieutenant of the County of York, one of the King's Privy Council in England, and Lord Lieutenant General, and General Governor of His Kingdom of Ireland. And afterwards Prorogued, Begun and Held at the laid Castle of Dublin, before Robert Lord Dillon, and Christopher Wandsworth, Esq; then His Lords Justices of His said Kingdom of Ireland.

An Act, to Admit the Subject to Plead the General Issue in Informations of Intrusion, brought on the behalf of the King's Majesty, and to Retain his Possession till Tryal, Cap. 1. Intrusion.

An Act, for Abridging of Proclamations upon Fines, to be Levyed at the Common Law. Cap. 2. Fines.

An Act, for the Relief of Patentees, Tenants and Farmers of Crown Lands, or other Profits, or Lands within the Survey of the Court of Vards and Liveries in cases of Forfeiture for Non-payment of their rents, or other Service or Duty, Cap. 3. Forfeiture.

An Act, touching the finding of Offices, before the Escheator, &c. Cap. 4. Abrogation.

An Act, against discontinuance of Writs of Error, in the County Court of Exchequer, and for the better Expedition of giving Judgment therein, Cap. 5. Error.

An Act, for Strengthning of Letters Patents past, and to be past upon any of His Majesty's Commissions of Grace, for the Remedy of Defective Titles, Cap. 6. Letters Patents.

An Act, concerning Clergy, Cap. 7. Clergy.

An Act, for Punishing of Offenders within the County of Dublin, and County of the City of Dublin, against the Act for Keepers of Ale-houses, to be bound by Recognizance, Cap. 8. Abrogation.

An Act, to Discharge and Free True men, from all Forfeitures for Killing such as attempt to Rob or Murder them, Cap. 9. Forfeiture.

An Act, for Remedy of Errors and Defects in Fines and Common Recoveries, heretofore Levyed, Acknowledged and Suffered, Cap. 10. Fines.

An Act, for Endowing of Churches with Glebe Lands, Cap. 11. Glebe Lands.

An Act, concerning Twentieth parts, and other Sums of Money payable by persons Ecclesiastical, Cap. 12. Twentieth Part:

Parl. Anno 13. Car. 2. Sess. 1.

*Begun and held at Dublin before Sir Maurice Eustace, Kt. the King's Chancellor of His Kingdom of Ireland, Roger Earl of Orrery, Lord President of his Province of Munster, and Charles Earl of Montrath, Lord President of his Province of Connaught, the King's Justices of his Kingdom of Ireland: And afterward Prorogued and Held, before the said Sir Maurice Eustace, and Roger Earl of Orrery, the King's Justices of his Kingdom of Ireland, at the same place; and further Prorogued and Held before the said Sir Maurice Eustace and Roger Earl of Orrery, Justices of our said Lord the King of His Kingdom of Ireland: And the 14th year of the King, Continued before James Duke, Marques, and Earl of Ormonde Earl of Offory and Brecknock, Viscount Thurles, Baron of Arklow and Lanthony, Honourable Butler of Ireland, Lord of the Royalties and Liberties of the County Palatine of Tipperary, Chancellor of the University of Dublin, Lord Lieutenant General and Governor of Ireland, one of the King's Privy Council of England, Scotland and Ireland, Lord Steward of the King, Lord Lieutenant of the County of Somerset, Gentleman of the King's Bed Chamber, and Knight of the most Noble Order of the Garter, and there Prorogued by several Prorogations, to the 16th year of the King, and by several Prorogations to the 17th year of the King, thence Prorogued and Continued before the said Lord Lieutenant, to the 18th year of the King, and then Dissolved, Ended and Determined.*

An Act, of most joyful Recognition of His Majesty's undoubted Title to the Crown of Ireland, Cap. 1. Crown.

An Act, for Confirmation of Judicial Proceedings, Cap. 2. Law Proceedings.

An Act, for the continuance of Proces, and Judicial Proceedings, Cap. 3. Law Proceedings.

An Act, that this Session of Parliament, shall not Determine by His Majesty's Royal Assent to this or some other Bills, Cap. 4. Exp.

Parl. Anno 13. Car. 2. Sess. 4.

*Held at Dublin, before the Justices aforesaid.*

An Act, for the Speedy Raising of Money for His Majesty's Service, Cap. 1. Exp.

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An Act, that this nor any other Session of Parliament, shall not Determine by His Majesty's Royal Assent, to this or any other Bill or Bills to be passed in this or any other Sessions of this Parliament, Cap. 2. Exp.

Parl. Anno 14. Car. 2. Sess. 3.

Held at Dublin, before the aforesaid Sir Maurice Eustace Kt. and Roger Earl of Orrery, the King's Justices of His Kingdom of Ireland.

An Act, for the Continuing of Customs, Excise, and New Impost, to the Five and Twentieth day of March next, Cap. 1. Exp.

Parl. Anno 14. Car. 2. Sess. 4.

First Held at Dublin, before the said Sir Maurice Eustace Kt. and Charles Earl of Orrery, the King's Justices of His Kingdom of Ireland; And afterwards before James Duke of Ormonde, the King's Lieutenant General, and General Governor of His said Kingdom of Ireland.

An Act, for a Perpetual Anniversary Thanksgiving, on the Nine and Twentieth day of May, in this Kingdom, Cap. 1. Anniversary Thanksgiving.

An Act, for the better Execution of His Majesty's Gracious Declaration, for the Settlement of His Kingdom of Ireland, and Satisfaction of the several Interests of Adventurers Soldiers and other His Subjects there, Cap. 2. Settlement.

An Act, for making all Hostlers, Innholders and other, answerable for such Horses, Geldings or Mares, as they shall take upon them the Charge and Keeping of, in Stables or Out-grounds, Cap. 3.

Inn-holders.

An Act, for securing Sir Maurice Eustace, Kt. in his Lands and Inheritances, and Leaves for years, Cap. 4. Pri.

An Act, for the Naturalizing of Lewis Desminiers, Merchant, Lerrick Westenra, Peter Westenra Merchant, Son to the said Derrick, Warner Westenra, Merchant, Albert Grafion, Merchant, William Haile, and John Griel, Cap. 5. Pri.

An Act, For the Grant of Four entire Subsidies by the Temporality, Cap. 6. Exp.

An Act, For the Grant of Eight entire Subsidies by the Temporality, Cap. 7. Exp.

An Act, for the Settling of the Excise or New Impost, upon His Majesty, His Heirs and Successors, according to the Book of Rates therein Incerted, Cap. 8. Excise.

An Act, for Settling the Subsidy of Poundage, and Granting a Subsidy of Tunnage, and other Sums of Money unto His Royal Majesty, His Heirs and Successors; the same to be paid upon Merchandises, Imported and Exported into, or out of the Kingdom of Ireland, according to the Book of Rates hereunto Annexed, Cap. 9. Excise.

An Act, for the real Union and Division of Parishes, and concerning Churches, Free-Schools, and Exchanges, Cap. 10. Exp.

An Act, for the Customs, Excise and New-Impost, to be continued until the Four and Twentieth day of September, One thousand six hundred sixty and two, Cap. 11. Exp.

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An Act, for the Inlargement of the Periods of time, Limitted in an Act for the better Execution of His Majesty's Gracious Declaration, for the Settlement of his Kingdom of Ireland, &c. Cap. 12. Exp.

An Act, for Encouraging Protestant Strangers and others, to Inhabit and Plant in the Kingdom of Ireland, Cap. 13. Plantation, Lands and Planters.

An Act, for securing Sir Edward Maffey, Kt. the Mannor and Abby of Leix, for Ninety nine years, Cap. 14. Pri.

An Act, that this Session of Parliament, shall not Determine by His Majesties Royal Assent, to this or any other Bills, to be passed in this or any other Session in this Parliament, Cap. 15. Exp.

An Act, for Raising Thirty Thousand pounds for the use of James Duke of Ormonde, Cap. 16. Pri. Exp.

An Act, for Establishing an Additional Revenue upon His Majesty, His Heirs and Successors, for the better Support of His and their Crown and Dignity, Cap. 17. Fire-Hearths.

An Act, for the Improvement of His Majesty's Revenues upon the Granting of Licenses for Selling of Ale and Beer Cap. 18. Ale-houses.

An Act, for taking away the Court of Wards and Liveries, and Tenures in Capite, and by Knights Service, Cap. 19. Court of Wards.

An Act, for Confirmation of Letters Patents, Granted by His Majesty, to his Grace James Duke of Ormonde, Cap. 20. Letters Patents.

An Act, for Increasing the Fee of the Seal, due to the Lord Chancellor, of Ireland, Cap. 21. Fees.

An Act, for the Raising of 23500 pounds Sterling, for the several uses therein Expressed, Cap. 22. Exp.

An Act for Keeping and Celebrating the 23d of October, as an Anniversary Thanksgiving in this Kingdom, Cap. 23. Anniversary Thanksgiving.

Parl. Anno 17. Car. 2. Sess. 5.

Held at Dublin, before the said Lieutenant.

An Act, for the Granting of Eight entire Subsidies, by the Temporality, Cap. 1. Exp.

An Act, for the Explaining of some Doubts, Arising upon an Act, Intituled, *An Act for the better Execution of His Majesty's Gracious Declaration for the Settlement of his Kingdom of Ireland, and Satisfaction of the several Interests of Adventurers, Soldiers, and others His Majesty's Subjects; and for making some Alterations of: And Additions unto the said Act, for the more Speedy and Effectual Settlement of the said Kingdom*, Cap. 2. Settlement.

An Act, for the Confirmation of Marriages, Cap. 3. Marriages.

An Act, for the Vesting and Settling upon Sir William Domville, Kt. His Majesty's Attorney General of Ireland, his Heirs and Assigns for ever, a parcel of Land part of the Possessions belonging to the Canons of St. Patrick, Dublin, upon an Agreement with the Dean and Chapter thereof, paying thereunto a certain yearly Rent, Cap. 4. Pri.

An Act, for the Securing several Lands, Tenements and Hereditaments unto George Duke of Albemarle, Cap. 5. Pri.

An

An Act, for the Uniformity of Publick Prayers and Administration of Sacraments, and other Rites and Ceremonies, and for Establishing the Form of making, Ordaining and Consecrating Bishops, Priests and Deacons in the Church of *Ireland*, Cap. 6. Uniformity.

An Act, for provision of Ministers in Cities and Corporate Towns, and making the Church of *St. Andrews* in the Suburbs of the City of *Dublin* Prellentative for ever, Cap. 7. *St. Andrews*, City Ministers.

An Act, for Relief of poor Prisoners, cap. 8. Prisoners.

An Act for the advancement of the Trade of Linnen Manufacture, Cap. 9. Linnen Manufacture.

An Act for disabling Spiritual persons from holding Benefices, or other Ecclesiastical Dignities, in *England* and *Wales*, and in *Ireland* at the same Time, Cap. 10. Spiritual Persons.

An Act to prevent Delays in extending Statutes Judgments and Recognizances, Cap. 11. Extents.

An Act to prevent Arrests of Judgment, and Superceding Executions, Cap. 12. Error, Jeofails.

An Act concerning Tydings, Oblations and Mortuaries, Cap. 13. Exp.

An Act Enabling the Precenter and Treasurer of the Cathedral Church of *St. Patrick's*, *Dublin*, and the Archdeacon of *Dublin*, to make Leases of part of their Yards and Gardens for Sixty Years, Cap. 14. *St. Patrick*.

An Act for the true making of all sorts of Cloth called the old Drapery, and the true Searching and Sealing thereof, by his Majesty's Almager within this Kingdom, Cap. 15. Drapery.

An Act for the building of a Bridge over the River of *Black Water* at *Cappoquin* in the County of *Waterford*, Cap. 16. Exp.

An Act for Granting of four Subsidies by the Temporality of this his Majesty's Kingdom, Cap. 17. Exp.

An Additional Act for the better Ordering and Collecting the Revenue arising by Hearth Money, Cap. 18. Fire-hearths.

An Act for the better ordering the Selling of Wines and *Aqua vita*, together with all sorts of Strong Waters by Retail, Cap. 19. Wine.

An Act for the Tryal by *Nisi prius* of Issues laid in the City of *Dublin* and County of *Dublin* Cap. 20. Nisi prius.

An Additional Act to the Act Intituled, *An Act for the cleansing the Water-course in St. Patrick's Street*, Cap. 21. *St. Patrick*.

An Act for the Naturalization of *Maria Euphemia Dungan*, *Walter Dungan*, Esq; *Ursula Dungan*, *Judith Cox*, alias *Keating*, and *Charlott Lane*, Daughter to Sir *George Lane*, Knight, Cap. 22. Pri.

An Act for Settling the Abbey of *St. John's* in or near *Atby*, upon Dame *Mary Meredith*, and her Heirs for ever, Cap 23. Pri.

Parl. Anno 4 Gul. & Mar.

*Holden at Dublin before Henry Lord Viscount Sidney, Their Majesties Lord Lieutenant General, and General Gouvernor of Ireland.*

An Act of Recognition of their Majesties undoubted Right to the Crown of *Ireland*, Cap. 1. Crown.

An

An Act for Encouragement of Protestant Strangers to Settle in this Kingdom of Ireland, Cap. 2. Plantation Lands and Planters.

An Act for an Additional Duty of Excise upon Beer, Ale, and other Liquors, Cap. 3. Exp.

An Act for taking Affidavits in the Country, to be made use of in the Courts of King's-Bench, Common-Pleas, and Exchequer, Cap. 4. Affidavits.

Parl. Anno 7. Gul. 3. Seſſ. 1.

*Held at Dublin before Henry Lord Capell, His Majesty's Deputy General, and General Governor of his Kingdom of Ireland: And continued by several Adjournments before Charles Lord Marquess of Winchester and Henry Earl of Gallway, His Majesty's Lords Justices General, and General Governors of His Kingdom of Ireland.*

An Act for an Additional Duty of Excise upon Beer, Ale and other Liquors, Cap. 1. Exp.

An Act for taking away the Writ *De Heretico Comburendo*, Cap. 2. *Heretico Comburendo*.

An Act declaring all Attainders and all other Acts made in the late Parliament, to be void, Cap. 3. Parliament.

An Act to restrain Foreign Education, Cap. 4. Education.

An Act for the better securing the Government by disarming the Papists Cap. 5. Papists.

An Act for better settling Intestates Estates, Cap. 6. Administrators.

An Act for reviving two Statutes lately expired, and making them perpetual; and for avoiding unnecessary Sutes and Delays, Cap. 7. Jeofails, Error and Revivor.

An Act for redress of Inconveniences for want of proof of the deceas- es or Persons beyond the Seas, or absenting themselves, upon whose Lives Estates do depend, Cap. 8. Estates for Lives.

An Act for the more effectual suppressing of Prophane Cursing and Swearing, Cap. 9. Swearing.

An Act to take away Damage clear, Cap. 10. Damage clear.

An Act to take away the Benefit of Clergy from him that doth stab another, not having a Weapon drawn, Cap. 11. Clergy.

An Act for prevention of Frauds and Perjuries, Cap. 12. Alignments, Contracts, Estates at Will, Executions, Judgments Promise Collateral, Recognizances, Trusts and Wills.

An Act for the more easie discharging of Sheriffs upon their Ac- counts, and from being Justices of the Peace, Cap. 13. Sheriffs.

An Act declaring what Days in the Year shall be observed as Holy-days, Cap. 14. Holy-days.

An Act for Granting a Supply to his Majesty by raising Money by a Poll and otherwise, Cap. 15. Exp.

An Act for Granting to his Majesty an Aid or Additional Custom on the several Goods and Merchandizes therein mentioned, Cap. 16. Excise.

An Act for the better Observation of the Lord's Day, commonly cal- led Sunday, Cap. 17. Lord's Day.

An

An Act for taking special Bails in the Country, upon Actions and Sutes depending in the Courts of King's Bench, Common Pleas and Exchequer at Dublin, Cap. 18. Bails.

An Act for Granting Tales on Tryals, to be had in the Court of the County Palatine of Tipperary, before the Seneschal, Cap. 19. Tipperary.

An Act concerning Fines in the County Palatine of Tipperary, Cap. 20. Tipperary.

An Act for the better suppressing Tories, Robbers and Rapparees, and for preventing Robberies, Burglaries and other heinous Crimes, Cap. 21. Tories

An Act for the more speedy and effectual Proceeding upon Distresses and Ayowries for Rent, Cap. 22. Distresses.

An Act for continuing the Statute for an Additional Excise upon Beer, Ale; and other Liquors, Cap. 23. Excise.

An Act for the better regulating of Measures in and throughout this Kingdom, Cap. 24. Measures.

An Act for the prevention of Vexations and Oppressions by Arrests; and of Delays in Sutes of Law, Cap. 25. Arrests. Error, Prisoners. Parl. Anno 9. Gul. 3. same Session.

Held at Dublin by Adjournment, before Charles Lord Marquess of Winchester, and Henry Earl of Gallway, the King's Lords Justices General, and General Governours of Ireland,

An Act for Banishing all Papists exercising any Ecclesiastical Jurisdiction, and Regulars of the Popish Clergy out of this Kingdom, Cap. 26. Papists.

An Act for the Confirmation of Articles made at the Surrender of the City of Limerick, Cap. 27.

An Act to prevent Protestants Inter-marrying with Papists, Cap. 26. Marriages.

An Act for Granting an Additional Duty on Tobacco, and for continuing unto his Majesty an Aid or Additional Custom on several Goods and Merchandises; and also for continuing the Additional Duty on Beer and Ale, and other Liquors, till the Twenty fifth day of December, One thousand Seven Hundred and Two, Cap. 29. Excise, Gratui-ties, Quit-Rents.

An Act to hinder the Reversal of several Outlawries and Attainders, and to prevent the Return of Subjects of this Kingdom, who have gone into the Dominions of the French King in Europe Cap. 30. Outlawries and Attainders.

An Act for making the Collectors Receipts for Quit-Rent, Crown-Rent, and other Rents due to the Crown, full and Legal Discharges for the same; and for limiting thereon, Cap. 31. Collectors.

An Act for taking away the Benefit of Clergy in some Cases cap. 32. Clergy.

An Act for Granting a Supply to his Majesty by raising Money by way of Poll, Cap. 33. Poll.

An Act to supply the Defects, and for the better Execution of an Act passed in this present Session of Parliament Intituled, An Act for the better

*Better suppressing Tories and Rapparees, and for preventing Robberies, Burglaries, and other heinous Crimes, Cap. 34.* Tories.

An Act for the preventing frivolous and vexatious Law-Sutes, and giving Remedy to the Parties grieved, to recover Costs at Law in certain cases where heretofore no Costs were given, Cap. 35. Abatement, Costs, Covenants, Trespass.

An Act to prevent Frauds by Clandestine Mortgages, Cap. 36. Mortgages.

An Act for the more easie obtaining Partitions of Lands in Coparcenary, Joint-Tenancy, or Tenancy in common, and Bounding and Mearing of Lands, Cap. 37. Partition.

An Act for avoiding vexatious Delays caused by removing Actions and Sutes out of Inferior Courts, Cap. 38. Habeas Corpus.

An Act for Redress of certain Abuses in making Pewter and Brads, Cap. 39. Pewter and Brads.

An Act for the more easie and speedy securing and recovery of small Debts, Cap. 40. Small Debts.

An Act for dividing the Parish of St. Michan's within the City and Suburbs of Dublin, into three distinct Parishes, Cap. 41. St. Michan's.

An Act for erecting and continuing Lights in the City of Dublin, and the several Liberties adjoining, Private. Lights.

Parl. Anno 10. Gul. 3. Seß. 2.

*Held at Dublin in the 7th Year of King William, before his Excellency Henry Lord Capell, Lord Deputy General and General Governour of his Majestys Kingdom of Irelrnd; and continued by several Adjournments and Prorogations before Charles Lord Marquiss of Winchester and Henry Earl of Galloway, the Kings Lords Justices General and General Governours of His Kingdom of Ireland.*

An Act for the Relief and Release of poor distressed Prisoners for Debt and Damages, Cap. 1. Prisoners.

An Act for reforming Abuses in making of Butter-Casks, and preventing of false Packing of Butter, Cap. 2. Butter.

An Act for raising One Hundred and Twenty Thousand Pounds on all Lands, Tenements, and Hereditaments in this Kingdom, Cap. 3. Taxes.

An Act to compleat the Supply to his Majesty, and to build and finish the Barracks in this Kingdom, Cap. 4. Excise.

An Act for the laying an Additional Duty upon Woolen Manufactures Exported out of this Kingdom, Cap. 5. Wool and Woollen Manufactures.

An Act to encourage Building of Houses, and making other Improvements on Church Lands, and to prevent Delapidations, Cap. 6.

Spiritual Persons.

An Act for confirming Estates and Possessions held and enjoyed under the Acts of Settlement and Explanation, Cap. 7. Settlement.

An Act for the preservation of the Game, and the more easie Conviction of such as shall destroy the Game, Cap. 8. Game.

An

An Act for regulating the Fees of the Marshal of the Four Courts, and for settling the Rates of Lodgings, and Redress of other Abuses in the said Marshalsea, and in the Marshalsea, of the City *Dublin*, Cap. 9. Marshal and Marshalsea.

An Act for Traversing Inquisitions Cap. 10. Traverses.

An Act against deceitful, disorderly and excessive Gaming Cap. 11. Gaming.

An Act for Planting and preserving Timber, Trees and Woods, Cap. 12. Wood.

An Act to prevent Papists being Sollicitors Cap. 13. Sollicitors.

An Act for determining Differences by Arbitration, Cap. 14. Arbitration.

An Act for the better management and disposal of the Lands set apart for the Support of the Fort of *Duncannon*, Cap. 15. Duncannon.

An Act for explaining some Doubts that may arise on the Exposition of an Act passed this Session of Parliament, Intituled, *An Act for Confirming Estates and Possessions held and enjoyed under the Acts of Settlement and Explanation*: And also for Amending some words in an Act passed the last Session of this present Parliament, Intituled, *An Act to binder the Reversal of several Outlawries and Attainders; and to prevent the return of Subjects of this Kingdom, who have gone into the Dominions of the French King in Europe*, Cap. 16. Outlawries and Attainders, Settlement.

Three private Acts not Printed.



A

# T A B L E

Shewing the Number of the several Chapters of such of the Irish Acts of Parliament, and the Year of the King or Queen's Reign, when they were past, as are wholly or in part Collected from, or Exempted out of any of the English Statutes; or from or out of any Clause or Paragraph of any of them, or have any Relation unto, or dependance upon any of them: Together with the number of the several Chapters of such English Statutes, and the year of the King or Queen's Reign when they were Enacted, answering to every of the Irish Acts in Order as hereafter follows,  
*viz.*

#### Irish Statutes.

- 18 H. 6, *cap. 1.*
- 28 H. 6, *sess. 1, cap. 2.*
- 28 H. 6, *sess. 2, cap. 1.*
- 28 H. 6, *sess. 2, cap. 3.*
- 32 H. 6, *cap. 3.*
- 37 H. 6, *cap. 1.*
- 38 H. 6, *cap. 1.*
- 14 H. 7, *cap. 1.*
- 28 H. 8, *cap. 2.*

#### English Statutes.

- 5 E. 3, *cap. 2.* 7 R. 2, 8. 2 H. 4, 14.
- 37 E. 3, *cap. 18.*
- 37 E. 3, *cap. 4.* 1 R. 2, *cap. 5.*
- 14 E. 3, *cap. 12.* 8 H. 6, *cap. 5.*
- 1 H. 4, *cap. 14.*
- 18 H. 6, *cap. 1.*
- 10 E. 1, *Stat. Rutland.*
- 14 R. 2, 10. 4 H. 4, 20. 11 H. 4, (2)
- 25 H. 8, *cap. 22.* (8c.)
- 28 H.

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- 28 H. 8, cap. 6.  
 28 H. 8, cap. 7.  
 28 H. 8, cap. 8.  
 28 H. 8, cap. 10.  
 28 H. 8, cap. 16.  
 28 H. 8, cap. 18.  
 28 H. 8, cap. 19.  
 33 H. 8, *Jeff. I.*, cap. 3.  
 33 H. 8, *Jeff. I.*, cap. 5.  
 33 H. 8, *Jeff. I.*, cap. 6.  
 33 H. 8, *Jeff. I.*, cap. 7.  
 33 H. 8, *Jeff. I.*, cap. 8.  
 33 H. 8, *Jeff. I.*, cap. 10.  
 33 H. 8, *Jeff. I.*, cap. 11.  
 33 H. 8, *Jeff. I.*, cap. 12.  
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 11 El. *Jeff. 3.*, cap. 2.  
 11 El. *Jeff. 3.*, cap. 5.  
 28 El. cap. 1.  
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 28 El. cap. 6.  
 11, 12 &<sup>o</sup> 13 Jac. I., cap. 2.  
 11, 12 &<sup>o</sup> 13 Jac. I., cap. 3.  
 11, 12 &<sup>o</sup> 13 Jac. I., cap. 7.  
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 10 Car. I., *Jeff. 2.*, cap. 11.  
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 10 Car. I., *Jeff. 2.*, cap. 14.  
 10 Car. I., *Jeff. 2.*, cap. 15.  
 10 Car. I., *Jeff. 2.*, cap. 16.  
 10 Car. I., *Jeff. 2.*, cap. 17.  
 10 Car. I., *Jeff. 2.*, cap. 18.

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- 24 H. 8, cap. 12, 25, H. 8, c. 19.  
 26 H. 8, cap. 13.  
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 21 H. 8, cap. 11.  
 27 H. 8, cap. 28.  
 21 H. 8, cap. 5.  
 25 H. 8, cap. 21.  
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 32 H. 8, cap. 38.  
 21 H. 8, cap. 19.  
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 7 H. 8, cap. 4.  
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 27 H. 8, c. 4, 28 H. 8, c. 15.  
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 32 H. 8, cap. 37.  
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 35 H. 8, cap. 6.  
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 23 H. 8, cap. 14.  
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 23 H. 8, cap. 15, 24 H. 8, c. 8.  
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13 Car. 2, <i>eff. 1, cap. 2.</i>
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- 17 & 18 Car. 2, *sess. 5, cap. 19.*  
 4 & 5 Gul. & Mar. *cap. 4.*  
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- 12 Car. 2, *cap. 25.*  
 29 Car. 2, *cap. 5.*  
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 4 & 5 W. & M. *cap. 16.*  
 21 Jac. 1, *cap. 23.*  
 19 H. 7, *cap. 6.*  
 22 & 23 Car. 2, 20, 30 Car. 2, 4.  
 22 & 23 Car. 2, 25, 4 & 5 W. &  
 9 & 10 Gul. 3, *cap. 15.* (M. 23.)

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# T A B L E

Demonstrating the particular Chapters of such English Statutes (made since *Poyning's Law*) and when Enacted, as do either wholly or by any Clause or Clauses therein contained, Relate to the Kingdom of *Ireland*, with the Names of the several Heads or Titles adjoined thereunto, under which the said Statutes are Abridged.

32 H. 8. cap. 24.	Religious Houses.
35 H. 8. cap. 1.	Crown.
2 & 3 E. cap. 6.	Fish and Fishing.
8 Eliz. cap. 3.	Sheep.
16 & 17 Car. I. cap. 33.	Ireland.
16 & 17 Car. I. cap. 33.	Ireland.
16 & 17 Car. I. cap. 34, 35, 37.	Ireland.
32 Car. 2. cap. 30.	Humiliation.
32 Car. 2. cap. 32.	Sheep.
32 Car. 2. cap. 34.	Tobacco.
13 & 14 Car. 2. cap. 7.	Hking and Hides.
13 & 14 Car. 2. cap. 18.	Sheep, Tobacco Pipe Clay.
32 Car. 2. cap. 18.	Hhips and Hhipping.
15 Car. 2. cap. 7.	Tobacco.
18 Car. 2. cap. 22.	Cattle.
19 Car. 2. cap. II.	Hhips and Hhipping.
	20 Car.

- 20 Car. cap. 7.  
 32 Car. 2. cap. 2.  
 1 W. & M. Jeff. 1. cap. 28.  
  
 2 W. & M. Jeff. 2. cap. 9.  
  
 3 & 4 W. & M. cap. 2.  
 7 & 8 Gul. 3. cap. 22.  
 7 & 8 Gul. 3. cap. 28.  
 7 & 8 Gul. 3. c. 39.  
 9 Gul. 3. Jeff. 3. c. 1.  
 10 Gul. 3. cap. 1.  
 10 & 11 Gul. 3. Jeff. 1. c.  
 11 & 12 Gul. 3. Jeff. 2. c.  
 11 & 12 Gul. 3. Jeff. 2. c.

- Cattel.  
 Cattel.  
 Wooll, and Woollen Manufact:  
 Parliament.  
 Protestant Subjects.  
 Quo Warranto.  
 Darts.  
 Ships and Shipping.  
 Wooll and Woollen, &c.  
 Ships and Shipping.  
 Traitors and Treason.  
 Soldiers.  
 Wooll and Woollen, &c,  
 Rebellion and Rebels.  
 Wooll and Woollen, &c,

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# TABLE

Shewing the Names and Titles of such Printed Irish Statutes as are particularly Enacted to be given in charge, by the Justices of Assize and Goal-Delivery, in their several Circuits, or to be caused by them to be Proclaimed or Read at such times.

- S**T A T. 28. H. 8. Cap. 15. An Act for the English Order, Habit and Language.  
*To be given in charge by the Stat. 7. Gul. 3. Seff. 1. Cap. 4.*  
Stat. 11. El. Seff. 3. Cap. 3. An Act against laying Hemp, Flax and Limed Hides in any Fresh Water or River,  
*To be Proclaimed.*  
Stat. 12. El. Seff. 4. Cap. 1. An Act for Erecting of Free-Schools,  
*To be given in charge by the Stat. 7. Gul. 3. Seff. 1. Cap. 4.*  
Stat. 28. El. Cap. 1. An Act concerning willful Perjury,  
*To be Proclaimed.*  
Stat. 10. Car. 1. Seff. 3. Cap. 15. An Act against Maintenance, Embracey, &c. and against buying of Titles,  
*To be Proclaimed.*  
Stat. 17 & 18. Car. 2. Seff. 5. Cap. 8. An Act for Relief of poor Prisoners,  
*To be given in charge.*  
Stat. 7. Gul. 3. Seff. 1. Cap. 4. An Act to Restrain Foreign Education.  
*To be given in charge.*  
Stat. 7. Gul. 3. Seff. 1. Cap. 4. An Act declaring what days in the year shall be observed as Holy-days,  
*To be given in charge.*  
Stat. 10. Gul. 3. Seff. 2. Cap. 12. An Act for Planting and preserving Timber, Trees and Woods,  
*To be given in charge; and after the charge given, to be Read in open Court by the Clerk of the Crown, or his Deputy.*

Stat.

## A Table, &c.

Stat. 10 & 11. Gul. 3. Seſſ. 1. Cap. Engl. An Act to prevent the Exportation of Wool out of the Kingdoms of Ireland and England into Foreign Parts ; and for the Encouragement of the Woollen Manufactures in the Kingdom of England.

The Lord Lieutenant, Lord Deputy or Lords Justices, for the time being, for the Kingdom of Ireland, or any of them, are required to give direction in Council, that this Act shall be given in charge by the several Judges of the Kingdom of Ireland, at all the Assizes that shall be held in that Kingdom, to the end that this Act may be shortly put in Execution according to the true Intent and Meaning thereof : Which said Judges are Impowered and Required, from time to time to take particular Accounts throughout their respective Circuits, of the due Execution of this Act, and at their Returns to Dublin, at the end of every Circuit ; shall acquaint the said Lord Lieutenant, Lord Deputy or Lords Justices of that Kingdom for the time being, in Council, with all Accounts or Informations they shall have so received of any Breach of the said Act, or Negligence or Faults in any of the Officers to whom the Execution of this Act is committed.

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# T A B L E

Wherein is set forth the Names and Titles of such Printed Irish Statutes, as are particularly mentioned, to be given in Charge by the Justices of the Peace in their Sessions, or to be caused by them to be Proclaimed or Read there.

**S**tat. 28. H. 8. Cap. 15. An Act for the English Order, Habit and Language.

To be given Charge, by the Statute 7. Gul. 3. Seſſ. 1. Cap. 4.

Stat. 33. H. 8. Cap. 15. An Act for Vagabonds.

To be Read every year in open Sessions.

Stat. 11. El. Seſſ. 3. Cap. 5. An Act against laying Hemp, Flax and med Hides, in any Fresh Water or River.

To be Proclaimed in their Sessions.

Stat. 12. El. Seſſ. 4. Cap. 1. An Act for Erecting of Free-Schools.

To be given in Charge, by the Stat. 7. Gul. 3. Seſſ. 1. Cap. 4.

Stat. 7. Gul. 3. Seſſ. 1, Cap. 4. An Act to Restrain Foreign Education.

To be given in Charge, in their General Sessions of the Peace.

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# T A B L E

Containing the Names and Titles of such of  
the Printed Irish Statutes, as the Ministers are En-  
joyed to Read in their Churches, &c.

**S**TAT. 10 and 11. CAR. 1. SESS. 4. CAP. 1. An ACT to prevent  
and Reform Prophane Swearing and Cursing.

To be Read in every Parish Church by the Minister thereof, upon the  
Sunday after evening Prayer, twice in the year:

STAT. 14 and 15. CAR. 2. SESS. 4. CAP. 1. An ACT for a perpetual An-  
niversary Thanksgiving, on the Nine and Twentieth day of May, in this  
Kingdom.

Every Minister, Parson and Curate, shall give Notice to his Parishioners,  
Publickly in the Church at Morning Prayer, the Lord's day next before every such  
29th day of May, for the due Observation of the said day; and shall then likewise  
Publickly and Distinctly, Read this present ACT to the People.

STAT. 14 and 15. CAR. 2. SESS. 4. CAP. 23. An ACT for Keeping and Ce-  
lebrating the 23d of October, as an Anniversary Thanksgiving in this  
Kingdom.

Every Minister shall give Warning to his Parishioners publickly in the Church,  
at Morning Prayer, the Lord's Day next before every such 23d of October, in  
the due Observation of the said day; and after Morning Prayer or Preaching up  
on every such 23d of October, they shall Read Publickly, Distinctly and Plainly  
this ACT.

STAT. 7. GUL. 3. SESS. 1. CAP. 9. An ACT for the more effectual Sup-  
pressing of Prophane Cursing and Swearing.

This ACT shall be publickly Read Four times in the year, in all Parish Churc-  
es, and all publick Chappels, by the Parson, Vicar or Curate thereof, immediately af-  
ter Morning Prayers, on Four several Sundays; That is to say, the Sunday next  
after the 5th day of November, the 5th day of February, the 5th of May, and  
the 5th day of August; under the pain of Twenty shillings for such Omission or  
Neglect.

Note that the English ACT of Parliament, Empowering Trustees to  
Sell the Forfeited Estates in Ireland, is Abridged in the Tit. Rebellion and  
Rebels.

AN EXACT

AN EXACT  
ABRIDGMENT  
Of all the Publick Printed  
Statutes of Ireland  
Now in Force.

### Abatement.

I. **S**TAT. 10. Car. 1. Seff. 2. Cap. 14. If any Demandant or Plaintiff in an Action be made Duke, Archbishop, Marquis, Earl, Viscount, Baron, Justice of the one Bench or the other, Baron of the Exchequer, Knight or Sergeant at Law depending the Suit; yet it shall not in such Case be abatable or abated.

I.E. 6. C. 7.  
Eng.

II. If any (being Justice of Assize, of Goal Delivery, Justice of the Peace, or in any other of the King's Commissions whatsoever) shall be advanced to any of the said Dignities, or be made a Sheriff; yet this shall not lessen his Authority, but he shall still remain Justice and Commissioner, and have Power to Execute the same, as he might have done before the said Advancement. But Note, that in the Case of a Sheriff it is now altered; for by the Stat. 7. Gul. 3. Seff. 1. Cap. 13. If any Person in Commission of the Peace be made a Sheriff, he shall not act as Justice of the Peace, during the time he continues Sheriff.

Ve. Cro.  
Car. 74.  
Sm. pr.  
Fitz. Bre.  
397. 398.  
469. 936.

being made Baron of Wem, in the 1. Jac. 2. did notwithstanding bold and execute the place of Chief Justice. Ve. Dyer 289. pl. 60. &c. 4. Co. Fo. 4. 6. Bro. Commission 22.

Sr. Geor.  
Jeffryes.  
Lord Chief  
Justice of  
the King's  
Bench in  
England,

III. **S**tat. 9. Gul. 3. Seff. 1. Cap. 35. In all Actions to be brought in any Court of Record, after the first day of May C. 8. Engl. 1698. The Death of the Plaintiff, (after he hath obtained any Interlocutory Judgment in his Action, and before full and final Judgment had therein) shall not Abate the Action, but his Executors

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Executors

## Abatement. Ability.

Executors or Administrators may proceed to final Judgment therein against the Defendant, as he might have done if Alive (if the Action be such as by Law might have been maintained originally by an Executor or Administrator) And so if the Defendant shall die, yet the Plaintiff (if Living) and if Dead, his Executors or Administrators, may proceed against the Executors or Administrators of such Defendant, to a final Judgment therein, as if the Defendant had been Living; If the Action be such as might by Law be Originally brought against an Executor or Administrator.

IV. And in case of the death of such Plaintiff, as aforesaid, his Executors or Administrators may sue out a *Scire Facias* against the Defendant (if living) or if dead, against his Executors or Administrators, for Reviving and Continuing such Suit; and for them to shew Cause, why the Plaintiff therein, his Executors or Administrators should not proceed to Judgment final therein; And if at the Return thereof they appear, but shew no sufficient Cause, or (in Default of such Appearance) it shall be returned that they were duly Warned, or after two Writs of *Scire Facias*, it be returned they could not be found, or had nothing by which they could be summoned, that then, in every such Case, a Writ of Inquiry of Damages shall be Awarded for the Plaintiff, upon the return whereof duly executed, Judgment final shall be given for such Plaintiff, against such Defendant.

V. And where two or more Persons shall be Plaintiffs in any Action, against two or more Defendants, the Death of one or more of such Plaintiffs or Defendants shall not Abate such Writ, in such Action, but that the same being suggested upon the Roll, or Record of such Action, the surviving Plaintiff or Plaintiffs may proceed to Judgment therein, against such surviving Defendant or Defendants, as if such death had not been,

### Ability.

31. H. 8.  
C. 6. Eng.

I. Stat. 33. H. 8. Sess. 1. Cap. 8. All Religious Persons professed (of what Order, soever) after the suppressing or otherwise giving up of their houses to the King, shall from such time be enabled to purchase and inherit, and to sue and be sued in all Courts and Places within this Land, as other the King's Subjects may, and may use and enjoy, all lawful things falling to them, (after such Deraignment) in as ample manner as if they had never been professed or entred into Religion.

II. But none of them shall be taken as Heirs inheritable to any Persons, or to demand, or take, any Lands, or any other things, by reason of any Title accruing before their Deraignment.

III. And Religious Persons being Priests, or that have vowed Religion at Twenty one years of Age (unless it be lawfully proved they were enforced or unlawfully compelled thereunto) shall not be enabled to Marry.

Absenties,



# Absenties. Accusations.

3

## Absenties.

I. Stat. 28. H. 8 Cap. 3. The King to enjoy as in Right of the Crown, all Honours, Mannours, &c. which Thomas Howard Duke of Norfolk, and the Lord Barkley, his Coparcioner, or Georgs Tolbott Earl of Waterford and Salop, or the Heirs General of the Earl of Ormonde, and the Abbots of Furness, S. Augustines in Bristow, the Priors of Christ Churc in Canterbury, Lantbony, and Cartmell, the Abbot of Kentisham, the Abbot or Prior of Osney and of Bath, and the Master of S. Thomas of Acres, (all Absenties) or any of them, or any to their uses, have lawful Title, Possession, or Clause of Entry.

II. A general saving for all Subjects living in this Land.

III. A Proviso, not to be prejudicial to Thomas Howth, second Justice of the King's Bench of Ireland nor to other Persons therein mentioned, for such Rights of theirs, as are mentioned in the said Proviso.

IV. Nor is this Act to be prejudicial to any Arch-bishop, Bishop, &c. of this Land (being resident and dwelling therein) or to their Successors, for their Synodals, Visitations Proxies, &c. which they be rightly Intituled to have by Composition, Custom, or otherwise. Nor to the Bishop of Meath, nor to his Successors for Synodal, &c. in or out of the Houses and Granges of Duleck and Colpe Churches and Benefits in Ireland belonging to them, and the House of Lanthony in England.

V. Nor is the same to be prejudicial to the Suffrains, Portriffes, &c. of the Towns of Ross, Wexford, Kilkenny, Clonmel, Fitzbird or Causal, or to their Successors, concerning any Grants of Liberties &c. to them or their Predecessors, and extending to their Successors, and Given, Granted or Confirmed before the first Day of this Parliament.

VI. All Leafes and Obligations for payment of any Rents out of the Premises declared void.

## Accusation.

I. Stat. 28. H. 6. Cap. 2. Sess. 1. Such as make Suggestion or Accusation against any to the Governors of this Land, or to other Officers, shall find sufficient Sureties to answer damages to the Party accused, in case the same be adjudged false; and the Party accused to be at liberty upon Bail (if allowable by Law) till the matter be determined.

37. E. 3.  
Cap. 18.  
Engl. Ve,  
Co. 12. Rep  
Fol. 19.

II. If the Matter be touching Treason Felony or Trespass, then to be remitted to the King's Bench, matter of Conscience to the Chancery; and matter within a Franchise to the Señeschal of the Liberty; and for debt, to the Common Pleas.

III. The Party grieved may sue the Accusor for false Imprisonment, if the Suggestion or Accusation be not true, saving the King's Prerogative.

Achatours.

# Achatours. Actions Popular.

## Achatours.

I. Stat. 18. H. 6. Cap. 1. No Purveyor shall be in this Land, but the Governors thereof shall pay or agree with them from whom any Goods shall be taken by their Achatours, or otherwise the Owners may make Resistance without Offence to the King.

28. E. 1. C. II. And all Statutes in this behalf within the Realm of Eng. 4. 4. E. 3. land, shall be holden and kept in all points, and put in Execu- C. 3. 5. E. tion in this Land. 7. R. 2. C. 8. 2. H. 4. C. 14. Engl. 3. C. 2. 10. E. 3. C. 1.

Engl.

## Actions Popular.

I. Stat. 28. H. 8. Cap. 21. In all Actions, Suits, Bills, Indictments, or Informations, where the King only hath the Forfeiture, upon any Penal Statutes, they shall be commenced within three years next after the Offence committed, and where the King hath only a part, and the Informer the rest, and prosecuted by the Informer for the King and himself, or only for himself, within one year, and the King within three years, as aforesaid: But this is to be understood, where a shorter time is not limited by any Statute, for in such case, the time appointed by such Statute must be observed.

21. Jac. 1. II. Stat. 10, and 11. Car. 1. Sejj. 4. Cap. 11. Popular Actions, Bills, Informations or Indictments, which may be com- C. 4. Engl. menced before Justices of Assize, *Nisi prius*, Oyer and Termin- Ve. Co. 3. Inst. 191. er, Goal Delivery, or before Justices of the Peace (at the Pro- C. 88. per-secutors Election) shall be prosecuted only in the Counties tot. 4. Inst. 172. where the Offences were committed; and like Process to be a- Fol. 172. Latchb. Rep. warded therein, as in an Action of Trespass *Vi & armis*, at the Fol. 192. Common Law, and Informations in the Courts of Dublin to be Hetley. avoid.

Rep. Fol. 103. Cro. Car. Fol. 112. 146. 193. Jones Rep. 193. Stiles Rep. Fol. 209. 222. 340. 356. 381. 383.

Ve. Cro. Car. III. And if the Defendant to any such Information, &c. pleads Car. fol. he owes nothing, or is not guilty, if the Plaintiff or Infor- 112. Hut- mer, at the Tryal thereof, shall not both prove the Offence, tions Rep. and that it was committed in that County, then the Defendant fol. 98. shall be found not guilty.

IV. No Officer or Minister in any Court of Record, shall Receive File or Enter of Record, any such Information, &c. till the Informer make Oath before some of the Judges of that Court, that the Offence was not committed in any other County, then whereby the said Information the same is supposed to be committed, and that he believes in his Conscience the same was committed in one year before the Suit commenced; the same Oath to be Entred of Record.

V. The Defendant to any Information, Suit, or Popular Action, to be brought against him, for the Offence committed against any Penal Law, may plead the general Issue, and give the

# Addition. Administrato<sup>r</sup>s.

5

the special Matter in evidence to the Jury that shall try the same.

VI. But this Statute is not to extend to any Information, &c. for Maintenance, Champerty, or Buying of Titles, Concealing or Defrauding the King of any Custom, Tonnage, Poundage, Subsidy, Impost, or Prifage, or for Transporting of Gold or Silver, Ordnance, Powder, Shot, Munition of all Sorts, Wool, Wool-fells or Leather, nor to any Action, &c. against any Sheriff upon the Statute of the 23. H. 6. Cap. 10. For not making yearly a Deputy in the King's Courts of Chancery, Chief Place, Common Pleas, and Exchequer, to receive all manner of Writs and Warrants to be delivered to them, as by that Statute is Enacted; but that the same may be brought into any of the King's Courts at Dublin, and such Offences may be Alledged to be in any County at the pleasure of the Informer.

## Addition.

I. Stat. 7. H. 6. Cap. 1. In Enquests to be taken between Ve. Co. 2. the King and Party, or between Party and Party, in the Inst. fo. Courts of the King, or any Lord of a Franchise, Additions of 665. their Estate, Mystery or Places, shall be put in the Pannels thereof.

II. And Sheriffs or other Ministers who have Return of Writs or Warrants, doing the contrary, shall be Amercied, and the same shall be Assessed and Offered by the discretion of the Judges, before whom the same are return'd.

## Administrato<sup>r</sup>s.

I. Stat. 10. Car. 1. Sess. 3. Cap. 10. If any shall obtain from such Persons who have procured Administration to be committed to them (and are of mean Estate and not of Kin to the Intestate) any Goods or Debts of such Intestate, or a Release, or other Discharge of any Debt, that belonged to the Intestate, upon any Fraud, or without such valuable Consideration as shall amount to the value of the Goods or Debts (except in satisfaction of some just debt of the value thereof owing to him by the Intestate at his death) he shall be Charged as Executor in his own wrong to the value thereof.

II. But such Party may deduct allowance to himself, of all just and principal Debts, upon good consideration, without Fraud owing to him, by the Intestate, at the time of his death, and of all other Payments made by him, which lawful Executors or Administrators may or ought to have by Law of this Realm.

III. Stat. 28. H. 8. Cap. 18. Administration of Intestates Goods, (or where the Executors refuse to prove the Will) shall be granted to the Widdow or next of Kin of the Intestate, or to both, as the Ordinary shall think fit, taking lib. 2. Cap. Security of them for the true Administration.

175. Hob. Rep. fol. 290. Moo. Rep. fol. 371. pl. 1210. Bro. Administration 47.

IV. Where

21. H. 8. C.  
5. Engl.

Ve. Fynch

15. p. 174.

# Administrators.

*Ve. Refor. Leg. Eccl. Tit. de Testamen. C. 42.* IV. Where divers in equal degree of Kindred to the Intestate Claim Administration, or where one Person only desireth Persons be in equality of Kindred, the Ordinary may accept any one or more making Request.

*Noyes Max. 105. Stiles Regest prac. p. 22. Cro. El. fo. 163.*

*Ve. Co. 3. Rep. f. 40. 9. Rep. fol. 39. Cro. Car. fol. 9. 106.* V. Where divers require Administration, or but one or more of them, and not all, being of equal degree, do make request the Ordinary may, admit the Widdow and him or them only making Request, or any one of them at his pleasure, taking nothing for the same.

*22. & 23. C. 10. Engl. Ve. Vagb. Rep. fo. 96.* VI. Stat. 7, Guil. 3. Sess. 1. Cap. 6. All Ordinaries and Ecclesiastical Judges, (as well of the Prerogative Court of the Arch-bishop of Ardmagh as all others) having power to commit Administration of Intestates Goods, shall (after the Feast of the Purification of the blessed Virgin Mary 1695.) upon their granting Administration, take sufficient Bonds with two or moreable Sureties (respect being had to the value of the Estate) in the name of the Ordinary with Condition,

1. To make a perfect Inventory.
2. To return it by a certain day.
3. Truly to Administer.
4. To make a just account of his Administration by a certain day.
5. And shall pay and deliver such part of the Estate to such Persons as the Judges shall grant according to this Act.
6. If any Will appear and be proved, that he will surrender his Letters of Administration.

VII. Which Bonds are declared to be good in Law and pleadable in any Courts of Justice. And the said Ordinaries, &c. may call such Administrators to Account, and upon hearing and due consideration, may order an equal and just Distribution of what remaineth clear (after all Debts, Funeral charges and just Expences of every sort first allowed) among the Wife and Children, or Childrens Children, if any such be, otherwise to the next of Kindred of the Intestate, in equal degree, or legally representing their Stocks *pro suo cuique jure*, according to the Law in such Case, and the Rules hereafter set down. And the same Distribution to Decree and Settle, and to compel such Administrators to observe and pay the same by due course of the Ecclesiastical Laws, saving to Persons aggrieved their Right of Appeal.

VIII. And all Ordinaries, &c. enabled to make Distribution of such Surplusage, shall distribute the same as follows, (that is to say) One third Part to the Wife of the Intestate, and the Residue by equal Portions amongst his Children or such as legally Represent them, if any of them be Dead, other then such Child or Children (not being Heir at Law) who shall have any Estate by the settlement of the Intestate, or shall be advanced by him in his life time, by Portion or Portions equal

## Administrators.

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to the other Shares. And in case such Child (other then the Heir at Law) advanced by Settlement or Portion, be not equal to the other Shares, then to have so much of the Surplusage as shall make the Estate of all the Children to be equal. But the Heir at Law (notwithstanding any Land he shall have by Descent, or otherwise) shall have an equal Part in the Distribution with the rest of the Children, without any Consideration of what he hath from the Intestate: And in case there be no Children nor any legal Representatives of them, then one moyety of the said Estate to be allotted to the Wife of the Intestate, and the Residue to be equally distributed amongst the Kindred of the Intestate, in equal degree, and those that represent them.

IX. But no Representations to be admitted amongst Collaterals after Brothers and Sisters Children; And if there be no Wife, then all the Estate to be distributed equally amongst the Children. And if there be no Child, then to the next of Kindred in equal degree to the Intestate, and their legal Representatives as aforesaid.

X. But no such Distribution shall be made till after one year be fully expired after the Intestates death; And every one to whom any Share shall be Allotted, shall give Bonds with sufficient Sureties in the said Courts, (which shall be good in Law and Pleadable in all Courts of Justice) that if any Debts truly owing by the Intestate be afterwards Sued for and Recovered, or otherwise duly made appear, in every such Case he or she shall Refund and Pay back his or her Ratable Part thereof, and the Administrators charges and Costs of Suit.

XI. In all Cases where the Ordinary had used to grant Administration *cum Testamento annexo*, he shall continue so to do; and the Will of the Deceased in such Testament expressed, shall be observed, in such manner as it should have been, if this Act had not been made.

XII. This Act does not extend to the Estates of *Femes Covert*, but their Husbands may demand the Administration and enjoy their Estates as they did before this Act.

XIII. No Administrator shall be Cited into any of the Courts in this Act mentioned, to render an Account of the Intestates personal Estate, otherwise then by an Inventory or Inventories, unless it be at the Instance and Prosecution of some in the behalf of a Minor, or having a Demand out of the same, as a Creditor or next of Kin, and shall not be Compellable to Account before any Ordinaries, &c. otherwise then as aforesaid.

1. Jac. 2.  
Cap. 17.  
Engl.

XIV. If after the Death of a Father, any of his Children die, in the Mothers Life time, every Brother and Sister, and the Representatives of them, shall have an equal Share with her.

XV. Where any Executors or Administrators to any Person Deceased shall obtain any Judgment in Law, in any of the Kings; Engl.

17. Car. 2.  
Cap. 8.

## Affidavits.

*Saund. 2.  
Rep. 49,  
yo-*

King's Courts of Record within this Kingdom in their own names, for any Debts due to the Testator or Intestate, and shall happen to die before any Executor sued forth, in such case any Administrator or Administrators of the Goods unadministred of the first Testator or Intestate, may sue forth a *Scire Fasias* upon the same, and have the Benefit thereof, as fully as such Executor or Administrator might have had if living.

XVI. The Custom in *Ireland* that where a Person dies possessed of, or Intitled to any Goods, Things in Action or personal Estate whatsoever, and having at the time of his Death a Wife and Child or Children that in such Case by his last Will and Testament (if he make any) he can only dispose of a third Part thereof, and the other two Parts shall go to his Wife and Children. And in case of no Will, to go in a course of Administration, as aforesaid. And if he leave a Wife only and no Child or Children, then she to have a Moyety, and the other Moyety only to be subject to his disposition, &c. (And so in like manner, if he have a Child or Children and no Wife) is hereby declared to be Absolutely void.

XVII. All Executors and Administrators of any who as Executors in their own wrong, or Administrators, shall after the fifth day of *November* 1699, waste or convert any Goods, Chattels Estate or Assets of any Person deceased to their own use, shall be liable and chargeable to make good the same.

### Affidavity.

*29. Car. 2.  
C. 5. Eng.* I. *Stat. 4. Gul. & Mar. Cap. 4.* The Chief Justice and other Justices of the King's-Bench, or any two of them, whereof the Chief Justice to be one, and so of the Common-Pleas, and also the Lord-Treasurer, Chancellor and Barons of the Exchequer, or any two, &c. whereof the Lord-Treasurer, Chancellor or Lord Chief Baron to be one, may by Commission under their Hands, and the several Seals of the respective Courts, from time to time, Impower as many Persons as they shall think fit in all the Counties of this Kingdom, to take such Affidavits as any shall be desirous to make before them concerning any Cause, depending in any of the said Courts; And any Judge of Assize to do the like, which shall be of the same Force, as Affidavits taken, in the same Courts are; And the Fee of one Shilling *Sterling* to be received for taking and swearing the same and no more.

II. And every Person swearing falsely in such Affidavits, to be liable unto the same Penalties as if the same had been made in open Court.

III. No such Affidavit taken by any Commissioners to be read or made use of, in any of the Courts aforesaid, unless the Commissioners taking the same, mention in the Caption thereof, the day when, and place where the same was taken and sworn.

IV.

## Ale-houses.

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IV. Neither shall Affidavits taken as aforesaid, be read, or made use of, in any of the said Courts, before the same be Filed there.

### Ale-houses.

I. Stat. 14. and 15. Car. 2. Sess. 4. Cap. 18. None shall keep Ve. Saund. any Ale-house or Tipling-house, or sell any Ale or Beer by 1 Rep. 49. Retaile within this Kingdom, but only such as shall be Licenced; And every Person Licenced, shall upon the receipt thereof, pay 20 Shillings to the King for every Year that he shall be Licenced to sell the same. 50.

II. And the Chief Governours of this Kingdom with the consent of the Counsel, shall Award Commissions under the King's Great Seal from time to time, into every County, City and Town Corporate within this Kingdom, to a convenient number of Commissioners (some of the Chief to be of the Quorum) to be chosen of the Justices of the Peace, with such others to be added, as they shall think fit.

III. And the Commissioners are to consider as well of the number of Ale-house-keepers as of the places and their sufficiencies. And they or two of them at the least (whereof one to be of the Quorum) shall within one Month after Easter yearly, assemble at the Quarter-Sessions and Adjourn from time to time, to some other known place within the Limits of their Commissions, to grant Licences, and are to Licence none but Persons of good behaviour and report, able to entertain Travellers, dwelling in convenient places, as in Market-Towns, in Villages on Road-ways, and in Towns where are Parish Churches, and not in Bogg's or Woods, or other unfit places. And such Licences to be granted for one Year, from the Feast of Easter next preceeding the making thereof, and no longer.

IV. The Party Licenced to enter into Recognizance with good Surety in ten pounds *sterling* to the King's use, before the Commissioners that grant the Licence, with condition to observe the Assize of Bread, Ale and Beer, and to sell the same and all other Provisions for Travellers, at reasonable Rates; to make or utter no unwholesom Bread, Beer, Ale, or Victuals; and to keep two Beds at the least, well furnished for the Lodging of Strangers, not to suffer any drunkenness or excessive drinking, or any common Diceing or Carding, or other unlawful Games, nor willingly to harbour any suspected persons, or any of ill behaviour, or any of their Neighbours servants during the time of their Licences, nor any Stranger in their houses (unless in case of sickness or other reasonable cause) above 24 hours.

V. The said Licences and Recognizances to be granted and acknowledged at the publick Sessions, or other Meetings of the Commissioners for that purpose, and not otherwise: And every such Ale-house-keeper, before he takes out his Licence, to pay

## Ale-houses.

pay twenty Shillings to the King's use, at one entire payment and no more before taking the Licence to the hands of the Collectors, (to be appointed by the Chief Governour and Council, &c. in every County for that purpose) of whom the Commissioners or any two of them, are to take Recognizances with good Sureties, and return them to the Exchequer.

VI. And the Collectors are to attend the Commissioners every Sessions, to make Licences and Recognizances, and to enter the Parties Names and Recognizances into a Book, and to receive the Monies due to the King for such Licences, and the several summs thereof, to enter into the said Book; which Book and every Recognizance entred therein, at the end of every Sitting shall be signed by the hands of two of the Commissioners at the least, (one to be of the Quorum) and shall by them be returned with such Money received by the Collectors (upon Oath, before any Baron of the Exchequer) into the Exchequer. And if the Commissioners or Collector conceal the names of any Licensed, or any sum or sums of money received for the same, or any of the said Recognizances, the Offender shall forfeit ten Pounds, and suffer such further Punishment as his Offence shall deserve: And the Money received for Licences granted between *Easter* and *Michaelmas*, must be returned as aforesaid, before the end of *Michaelmas* Term Yearly, and that received between *Michaelmas* and *Easter*, before the end of *Easter* Term Yearly.

VII. None to keep any common Ale-house or Tipling-house, or to use common selling of Beer or Ale by Retaile, without License as aforesaid, in Pain of five Pounds of like Money to the King.

VIII. The Collectors respectively, to receive one Shilling English, above the twenty Shillings to be paid by the Persons Licensed, to be distributed by the Commissioners to their Clerks and the Collectors aforesaid, in such manner as the Chief Governour, &c. and Council shall from time to time prescribe, and the said Collectors, neither directly nor indirectly, to exact or receive any more for the said Recognizance, License or Acquittance, other than as aforesaid, in pain of Ten Pounds *Sterling*, and to lose his Office. And none of the Commissioners shall directly nor indirectly take any Fee or Reward of any Ale-house Keepers concerning the obtaining of Licenses, as aforesaid, upon like Pain of Ten Pounds *Sterling*.

IX. Provided that such Persons as shall sell Ale or Beer only in Places where the General Assizes or the Quarter-Sessions shall be kept, during the time of the Assizes or Sessions, or at Fairs during the time of the Fairs, shall not be Impeached, for selling the same without License.

X. Every Person Licensed shall have some Sign, Stake or Bush at his door, that Travellers may know where they may receive Entertainment for their reasonable Money.

XI. Persons

# Anniversary Thanksgiving.

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XI. Persons offending contrary to this Act, or incurring any Forfeiture therein mentioned, are to be proceeded against either in the Court of Exchequer, or before the Justice of Assize, at their General Assizes, or Justices of the Peace at their Quarter-Sessions, who are Impowered to hear and determine the same by such ways and in such manner as any of them shall think fit, by Fine and Imprisonment or otherwise.

XII. The several Fines and Forfeitures before mentioned, to be divided between the King and the Informer.

XIII. The Statute of the 10. and 11. Car. 1. Sess. 4. Chap. 5. concerning Ale-houses is by this Act Repealed.

XIV. The Money becoming due to the King by virtue of this Act, shall be constantly paid into the Exchequer in manner as aforesaid, and shall not be let to Farm or charged with any Grant or Pension whatsoever, either before it's paid into the Exchequer or after. And that every such Lease, Grant or Pension whatsoever, and every Clause of *Non obstante* therein contained shall be utterly void; And all and every Person to whom such Farm or Grant shall be passed, shall be accountable to the King and shall pay back, what shall be received by any such pretence; And the Court of Exchequer at Dublin, shall Issue out Proces accordingly.

XV. This Act shall be made known to the People, by publick Proclamation in every Market-Town.

## Anniversary Thanksgiving.

I. Stat. 14. and 15. Car. 2. Sess. 4. Cap. 1. All Ministers of God's Word and Sacraments in every Church, Chappel and other usual place of divine Service, and publick Prayer, within the Realm of Ireland, and their Successors shall in all succeeding Ages to come, Annually Celebrate the 29 day of May, rendering their hearty publick Praises and Thanksgiving unto Almighty God, for his wonderful Power, in the Peaceable and Joyful Restauration of the King, by the unanimous cordial Affections of the Lords and Commons in Parliament, and People in general: And that all Persons do on that day forbear all bodily Labour, and the exercise of their Trades.

12. Car. 2.  
Cap. 14.  
Engl.

II. Upon this Day all Persons within this Kingdom, are to resort to some Parish Church or Chappel, or publick Place allowed by Authority, where such Thanksgivings and praises to God shall be Rendered; And there orderly abide during the time of the Performance thereof.

III. And every Minister, Parson and Curate shall give notice to his Parishioners publickly, in the Church at Morning Prayer the Lord's Day next before every such 29th Day of May, for the due Observation thereof; and shall read this Act to the People.

IV. Stat. 14. and 15. Car. 2. Sess. 4. Cap. 23. The 23d of October to be kept an Anniversary Holy-day in this Kingdom

for ever; And all Persons at that Day, to forbear all Bodily Labour, and the Exercise of their Trades; And all Ministers in every Cathedral and Parish Church, and other usual Places for Common-Prayer, shall always upon that Day say Morning Prayer, and give Thanks to God, for that most happy Deliverance, and Preservation from the Traiterous Rebellion intended to be Acted on that Day, in the Year 1641, against King *Charles the First*, and this whole Kingdom; And all Persons inhabiting within this Realm, shall yearly upon that Day diligently Refort to the Parish Church or Chappel accustomed, or to some other, where the said Morning Prayer Preaching or other Service of God shall be used, and there abide orderly during the time thereof.

V. And every Minister shall give warning to his Parishioners publickly in the Church at Morning Prayer the Lord's day next before every such 23d day of October, for the due Observation of the said Day. And after the Morning Prayer or Preaching, upon every such Day, they shall publickly and distinctly read this present Act.

### Apparel.

I. Stat. 5. E. 4. Cap. 3. Every Irishman dwelling among Englishmen in the County of Dublin, Meath, Uriell, and Kildare, shall go like an Englishman in Apparel, and shaving his Beard above the Mouth.

II. And every such Irishman, shall take an English Surname of a Town, as Sutton, Trim, Chester, Skryne, Cork, Kinsale; or Colour, as White, Black, Brown, or Arts or Sciences, as Smith or Carpenter, or Office, as Cook or Butler, which Name he and his Issue shall use, in pain of Forfeiting his Goods yearly till it be done, to be Levied two times in the Year to maintain the King's Wars, according to the discretion of the King's Lieutenant or his Deputy.

III. Stat. 28. H. 8. Cap. 15. None of the King's Subjects shall be shaven above the Ears, or wear the hair on their heads like long Locks called Glibbes, or use hair growing on their upper Lips, called a Crommeale, or wear any Skirt, Smock, Kercher, Bendell, Neckercbour, Mocket, or Linnen Capp, colour'd with Saffron, nor wear above seven yards of Cloth in their Skirts or Smocks, and no Women to wear any Kirtel or Coat Tucked up, or Embroidred with Silk, or laid with Uske after the Irish Fashion; And none to wear any Mantles, Coat or Hood made after the Irish Fashion, upon pain of Forfeiture of the Thing so worn, to be seized by any of the King's true Subjects, and also to Forfeit for every time, the Penalties hereafter limited and appointed.

IV. But this is not to extend to prejudice any Woman, or any Heards, or Horse-Boys to wear a Mantle, or any Persons in their Journey, or raising out upon Hue and Cry.

V. Every

V. Every Lord Spiritual and Temporal offending in the premises, to forfeit for every Offence 6 Pounds 13 Shillings and 4 Pence, every Knight and Esquire 40 Shillings; every Gentleman or Merchant 20 Shillings, every Free-holder and Tenant 10 Shillings, every Husband-mah 6 Shillings, and 8 Pence, and every other of the King's Subjects Within this Land 3 Shillings and 4 Pence; The said Forfeitures to be divided between the King and the Party that will Sue for the same in any of the King's Courts.

VI. Every Justice of the Peace, Head Officers, Constables and Keepers of Castles and Garrisons within this Land, shall within their several Jurisdictions, affist such Persons soeizing such Irish Garment or Apparel, worn contrary to this Act; and shall seize it themselves, if none else will, and have the same to their own use; And every true Subject of the King is to be Aiding and Assisting herein.

VII. And if any Person whose Irish Habit is seized by force of this Act, shall endeavour to get any Satisfaction of the Seizure, or any other in his Company for such Seizure, the Offender for every such Offence, shall Forfeit 5 Pounds to be divided as aforesaid.

VIII. and the Justice of the Peace, and every other the King's Officers and Subjects, may take every such Persons so offending and commit him to the next Prison or Goal, to remain till the General Sessions for the County, till he be delivered by them in open Sessions, upon such reasonable Fine as by them or any two of them shall be thought convenient.

### St. Andrews.

*Stat. 17. and 18. Car. 2. Sess. 5. Cap. 7.* Enacted that the Tract of ground called the *Stane, alias Lazar, alias Lazey-bill,* be made part of the Parish of St. Andrews in the County of the City of Dublin; And that the Inhabitants of the said Parish by Contribution amongst themselves, do Re-build the said Church in such manner as shall be agreed upon by them or the major Part of them. And that the same hereafter shall be presentative as a Vicarage by the Lord Chancellour of Ireland, the Arch-Bishop of Dublin, the Vice Treasurer of the Kings Revenue, The Lords Chief Justices of the King's Bench and Common-Pleas, the Lord Chief Baron of the Exchequer, and the Master of Rolls and their Successors, or by any Four or more of them, whereof the Lord Arch-Bishop of Dublin to be always one; And Richard Lingard Professor in Trinity Colledge near Dublin to be constituted the first Vicar or Incumbent thereof.

II. And Arthur Earl of Anglesey, the King's Vice-Treasurer Sir John Temple Knight, Master of the Rolls, and Sir. Morrice Bigsac Knight, or the Survivors of them are appointed the Churchwardens of the said Parish for the first two Years. And they and their Successors Church-wardens Impowered to Rate the severall

## Appropriations.

several Houses within the Parish of St. Andrews and Stane, alias Lazey-Hill, in such manner as they shall think fit, (with the consent of the said Inhabitants or the Major part of them at such Meetings appointed for that purpose) towards the Building of the said Church. If the voluntary Contributions will not do it, and for the Relief of the Poor and other pious uses, as shall be thought necessary by the Inhabitants of the Parish or the Major part of them.

III. And the said Church-wardens and their Successors to be a Body Corporate, and to have power to Sue and be Sued by the Name of the Church-wardens of the Parish of St. Andrews. And by that Name to purchase Lands of the yearly value of 100 pounds Sterling to the use of the Parish.

IV. And the Rectory of the said Church, together with certain houses and their Back-sides inclosed within the Church-yard, having anciently belonged to the Precentor of the Cathedral Church of St. Patricks near Dublin, as part of the Corps of his Precentorship, Enacted that he and his Successors shall be Rectors of the said Parish, and shall have the yearly sum of 10 pounds Sterling appropriated unto him and them to be paid by the Vicar or Incumbent thereof, in two equal portions at two set times in the year, viz. the Feast days of St. John Baptist and the Nativity of our blessed Lord and Saviour 5 pounds each Feast day.

### Appropriations.

I. Stat. 10. and 11. Car. 1. Sess. 4. Cap. 2. Any of full Age, *sane Memorie*, and not Covert Baron, and all Bodies Politick and Corporate within this Realm, Seized of any Appropriations of any Benefices Ecclesiastical whatsoever, or of any Glebe Lands, Tythes, &c. or Rights herefore Ecclesiastical, of any Estate or Inheritance, may (without any License to *Aliene in Mortmaine*) Restore the same or any part thereof, for the better Maintenance of the Ministers of God's holy Word and Sacraments, (either by deed under their Seals made and delivered in the presence of three or more sufficient Witnesses, or by their last Will in writing, published in the presence of the like number of Witnesses) unto any the Parson or Vicar of the said Parishes, immediately and his Successors (if any such be Endowed there) where the said Appropriations, &c. are, or if there be no such Parson or Vicar, then to the Arch-bishop of that Province, or Bishop of the Diocese, and to their Successors in Trust, for the use of such Minister as shall serve the Cure in the said Parish, until there shall be a Rector, &c. there established. And then to the use of him and his Successors for ever, such Trust to be expressed in such Deed or Will, or otherwise in some Writing under the Seal of such Donor or Devisor. And immediately (after such Deed made, or Devise and the Death of the Devisor) the said Parson or Vicar and

## Appropriations.

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and his Successors to whom the same is Granted or Devised. And the said Metropolitan, Bishop and Bishops to whom such Grant or Devise is made in Trust, as aforesaid, shall stand and be seized of the Premises to them and their Successors for ever respectively, of an Absolute and Indefeasible Estate in Fee simple.

II. And if within the Parish (where such Donations as aforesaid are Bestowed) there be no Parson or Vicar Endowed, then the Ordinary and Metropolitan of that Diocese (after that there shall be Glebe Lands, Tythes, &c. amounting to the full Third part or more of all the Profits of the intire Impropriation limited as aforesaid) by their writings under their Archiepiscopal and Episcopal Seals, may Ordain and Constitute a Parson or Vicar of the said Parish in perpetual Succession, to him and his Successors for ever, and shall cause him to be Admitted, Instituted and Inducted thereunto, and Inroll the same (within some convenient time after) in the Court of Exchequer, at the costs of the said new Ordained Parson or Vicar; immediately after which, he shall in Law be taken to be Parson or Vicar of the said Rectory, Church and Parish to him and his Successors for ever in perpetual Succession. And shall become seized to him and his Successors for ever of the said Parsonage Appropriation Glebe-Lands, &c. of a good Estate in Fee simple, as Parson and Rector or Vicar of that Church or Parish.

III. When any Donation or Devise shall be made for Maintenance of any such Minister as aforesaid. Then if it be the only and sole Endowment, of such Minister in Right of the same Church, or if it be four times more in yearly value, as such Minister formerly had in Right of the said Church, then the sole Patronage thereof, shall be to such Donor or Devisor, his Heirs or Successors, if but three times as much, then to have only three Presentations if only twice as much, than two Presentations upon Avoidance, and the former Patron one. And if it be but of equal value or near thereabouts under or over, then to present by turns whereof the said Donors or Devisors to have the first Turn. And the like Proportion and Course to be observed where the former Endowments shall exceed the value of such new ones. And the said Proportions and Rates of the said Endowments to be made by Commission to be Granted out of the Exchequer, at the proportionable Charge of the said Donors or Devisors or of their Heirs, and of the former Patrons, which being Executed and Returned into the said Court, shall be final to all Persons.

IV. All and every the Parsons, Viears and other Beneficaries, whose Estates and Lively-hoods shall be made better by the means aforesaid, or by any other good means, shall be subject unto, and Chargeable with the Repair of the Chancels of such Churches, after the same shall be Erected and Built.

Aqua-

# Aqua-Vite. Arbitration.

## Aqua-Vite.

I. Stat. 3. and 4. P. and M. Cap. 7. None (without Licence of the Lord Deputy under the Great Seal) shall make any *Aqua-Vite* within this Realm, in pain of Imprisonment, at the Deputy's pleasure, and to Forfeit 4 pounds of Lawful Money of *Ireland* every time offending, to be divided between the King and the Party that will Sue for the same in the King's Bench or Common Pleas within this Realm.

H. But this Act shall not extend to any Peers of this Realm, nor Gentlemen of the same, worth 10 pounds *Sterling* by the year in Lands or Tenements for Life or Inheritance, nor to any Free man dwelling in any City or Burrough Town, within this Realm, charged with Burgesses to the Parliament, but that they may make the same for their own Expences only.

## Arbitration.

9, & 10, Gul. 3. Sess. 2. Cap. 14. After the first day of Gul. 3. Cap. March 1698. its made lawful for all Merchants, Traders and others, desiring to end by Arbitration, any Controversy, or Sute, for which there is no other Remedy, but by personal Action or Sute in Equity) to Agree that their Submission of the Matter to the Award or Umpirage of any person or persons, should be made a Rule of any of His Majesty's Courts of Record, which the Parties shall choose. And to insert such their Agreement in their Submission, or the Condition of the Bond or Promise, whereby they oblige themselves to submit to such Award or Umpirage; which Agreement being so made, and Inserted in their Submission or Promise, or Condition of their Bonds, shall upon producing an Affidavit thereof, made by the Witnesses thereunto, or any one of them, in the Court in which the same is Agreed to be made a Rule, and Reading and Filing the said Affidavit in Court, be Entred of Record in such Court. And a Rule shall be thereupon made by the said Court, that the Parties shall submit to, and finally be Concluded, by the Arbitration or Umpirage, which shall be made by the Arbitrators or Umpire, pursuant to such Submission. And in case of Disobedience to such Arbitration or Umpirage, the Party neglecting, or refusing to perform the same, or any part thereof, shall be subject to all the Penalties by the Course and Practice of such Court, usually Inflicted on such as Contemn a Rule of the said Court, made in a Cause depending therein. And the Court on motion, shall Issue Process accordingly; which Process shall not be stopt or delayed in its Execution, by any Order or Rule of any other Court, either of Law or Equity; unless it shall be made appear on Oath to such Court, that the Arbitrators or Umpire misbehaved themselves. And that such Award or Umpirage, was procured by Corruption, or other undue means.

II. Any

II. Any Arbitration or Umpirage procured by Corruption or undue means, shall be Judged void; and accordingly shall be set aside by any Court of Law or Equity: So as Complaint of such Corruption or undue Practice, be made in the Court where the Rule is made for Submission to such Arbitration or Umpirage, before the last day of the next Term, after such Arbitration or Umpirage made and published to the parties.

## Arrests.

I. Stat. 7. Gul. 3. Sej. 1. Cap. 25. No persons to be Arrested by force of any Process, issuing out of the Court of Kings Bench or Common-Pleas, or other Courts of Justice (in which the certainty of Action is not expressed) and in which the Defendant is Bailable by the Statute of the 23. H. 6. made in that behalf, shall be compellable to give Bond with Sureties for his Appearance, in the penalty of any Sum above 40 pounds, Ve. Cro. El. of lawful Money of England, to be Conditioned for such Appearance: And all Sheriffs and other Officers, shall in such Case let such Prisoners to Bail upon such Security. 23. H. 6. C. 10. Engl.

13. Car. 2.  
C. 2. Stat.  
2. Engl.

624. pl. 5.

624. pl. 5.

II. And upon Appearance entered by Attorney for such parties in the said respective Courts (at the Return of such Process) from whence the same does Issue out, the Bail Bond shall thereby be Discharged; and after such Appearance so Entered, no Amerciaments shall be Set or Estreated against the Sheriff, or other Officer whatsoever; and if the Plaintiff in such Case shall not Declare against the person so Arrested, in some Personal Action, *Ejectione firme*, of Lands and Tenements, before the Term next following such Appearance, then a Non-Suit for want of a Declaration may be Entered against the Plaintiff, and the Defendant shall have Judgment to recover Costs. Ve. Cro. El. 131. pl. 4.  
Ve. Cro. El. 808 pl.  
11 & 852. pl. 9.

III. But this Act shall not extend unto any Arrests to be made upon any *Capias ut Lagatum*, to Discharge the party out of Custody, without a lawful *Supersedeas* first had and delivered to the Sheriff, nor to any Arrests made upon any Attachments upon *Rescous*, or upon any *Contempt*, or of *Priviledge* at Sute of any Priviledged person, or of any other Attachment for *Contempt* whatsoever, Issuing out of either of the said Courts, although there be no particular certainty of the cause of Action expressed therein, but that such Lawful course be taken for Security for Appearance therein, as hath been heretofore used.

## Assignment.

I. Stat. 7. Gul. 3. Sej. 1. Cap. 12. No Estates, Leaves or Interests, either of Free-hold or Term of Years, or any uncertain Interest (not being Copy-hold or Customary Interest) out of any Lands, Tenements or Hereditaments, shall at any time after the Feast day of the Nativity of St. John the Baptist, 29. Car. 2.  
C. 3. Engl.

# Assize. Attainder. Attaint.

1696, be Assigned, Granted or Surrendred, unless it be by Deed or Note in Writing, Signed by the parties so Assigning, Granting or Surrendring the same, or their Agents thereunto lawfully Authorized by Writing, or Operation of the Law.

## Assize.

21 H. 8.

C. 3. Engl.

Ve. 5. H. 7.

fo. 22. Fitz.

Plaint. II.

19. 47.

Dyer fo. 61. 65. 88. 132. pl. 76.

I. Stat. 33. H. 8. Jeff. 1. Cap. 3. The Plaintiff in every Assize may Abridge his Plaintiff of any part, to which any Plea is Plead-ed, in the same manner as he may do when the Pleas in Bar have been made; and the Plaintiff notwithstanding shall stand good for the residue.

## Attainder.

29. El. C.

2 Engl.

Ve. Co. 3.

Inst. fo.

31.

I. Stat. 10 &c. II. Car. 1. Jeff. 4. Cap. 14. No Record of Attainder that now is of any person, for any High-Treason, Murder or Felony, where the party so Attainted, is or hath been Executed for the same, shall be Reversed or Avoided by any Plea, or for any Error whatsoever.

II. But this Act is not to extend to any Record of Attainder for any of the said Crimes, upon which any Writ of Error was depending, and the Record Reversed.

## Attaint.

I. Stat. 13. H. 8. Cap. 3. Persons Seized of Lands, Rents or Tenements, in Possession or in Use, of the yearly value of 10 Marks above all charges, in Fee-Simple, Fee-Tail, or for term of Life, Copy-hold and Ancient Demesne, shall pass in every Attaint.

II. In case the Jury of Attaint, remain at any day for Default of Jurors, the Judge or Judges before whom it is Sued, may Examine the Jurors Impanelled, whether there be more sufficient persons within the County or Franchise, where the Attaint is Sued, to make up the whole Pannel of 24 Jurors.

III. And if it appear by the said Examination, that there are not enough of sufficient persons; then the Judge or Judges, may immediately Award Proces to the Sheriff, or other Officer of any County, Liberty or Franchise next adjoyn-ing, to Return as many Jurors as shall need to be Impanelled, in like order, as if the other Sheriff or Officer had Returned specially that there were no more sufficient Freeholders within his Shire or Franchise, to pass in the said Attaint.

IV. Provided that this Act extend not, but only for False Verdicts, to be given for the time to come, wherein Attaints do lye.

## Attorneys.

32. H. 8.

C. 30.

Engl. Ve.

Dyer fo.

130. 380.

I. Stat. 33. H. 8. Jeff. 2. Cap. 3. Every Attorney for any Defendant or Plaintiff, Tenant or Defendant, in any Action in any of the Kings Courts, and Pleaded to any Issue, shall deliver his Co. pla. fo. 167.

## Attorneys. Avowry.

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his Warrant of Attorney to the proper Officer or his Deputy, to be Entred of Record the same Term when the said Issue is Entred of Record, or before, in pain of 10 pounds Sterling to the King, and to suffer Imprisonment at the Discretion of the Judges of the Court, where such Action depends.

II. Stat. 11, 12 & 13. Jac. 1. Cap. 8. Every Attorney Suing out an *Exigent*, without taking out a Writ of *Proclamati-* 31. El. C.  
*on* at the same time, of the same Teste and Return with the 3. Engl.  
*Exigent* (to be delivered to the Sheriff of the County where 3. El. C.  
the party against whom the *Exigent* is Awarded dwells, to be fo. 95.  
Proclaimed as the Statute in that Case directs) shall Forfeit 40 Goldesb.  
shillings Sterling, for every such Offence, one Moyety to the Rep. fol.  
party grieved that will Sue for the same, by Bill or Plaintiff in 128.  
the same Court, out of which such Writ of *Exigent* shall Issue,  
and the other Moyety to the Foor, to be Distributed and Dis-  
posed of by the Discretion of the Judges of the same Court.

III. Stat. 10. Car. 1. Sess. 2. Cap. 12. Every Attorney in 18. El. Ch.  
any Action in any Court of Record, shall deliver in his War- 14. Engl.  
rant of Attorney in such Action, to be Entred or Filed of Re-  
cord, upon pain to Forfeit 10 pounds for every such Offence,  
one Moyety to the King, and the other Moyety to such Officer,  
into whose Office the same should be delivered, to be Recovered  
by Action of Debt, in which no Essoyn, &c. shall be al-  
lowed; and also to suffer Imprisonment at the Discretion of  
the Judge of the Court, where such Default is made.

## Avowry.

I. Stat. 33. H. 8. Sess. 1. Cap. 7. Upon a Replevin Sued 21. H. 8.  
for a Distress taken for Rents, Customs or Services, upon the Cap. 19.  
Lands chargeable with the same, an Avowry may be made by Engl.  
the Lord or *Conuance* and Justification by his Bayliff or Ser-  
vant, as in Lands within the Lords Fee or Seignory, and hol-  
den of him, without naming of any person certain to be Ten-  
tant thereof: And the like Law is also upon every Writ Sued  
out of *Second Deliverance*. Ve. Co. Lit.  
Moo. Rep. fo. 883. Leon. 1. Rep. fo. 302. 27. H. 8. fo. 4. 20. March,  
Rep. p. 28. 268.b. 312.  
16. Dyer. fo. 141. 2. Roll. fo. 37. 140. 212. March, Rep. 28. Cro. Jac.  
36. & 136.

II. Stat. In any *Replegiare* or *Second Deliverance*, for Rents, 76. El. C.  
Customs, Services or *Damage Feasant*, if the Avowry or Conu-  
fance be found for the Avowant, or the Plaintiff be Non-Suite,  
or otherwise Barred; then the Avowant shall Recover Damages  
and Costs, as the Plaintiff should have had if he had Recovered.  
16. Dyer. fo. 141. 2. Roll. fo. 37. 140. 212. March, Rep. 28. Cro. Jac.  
Ve. Moo.  
Rep. fo.  
893. pl.  
1257. Bro.  
Damages,  
fo. 518.

III. And both Plaintiff and Defendant, shall in Writs of *Re-  
plegiare* and *Second Deliverance*, have like Pleas, and like *Aid  
Prayers*, and *Joynders in Aid*, as they might have had at the  
Common-Law, before the making of this Act; Pleas of *Dis-  
claimer* only excepted.

C 2

Bail,

1 & 2. P.  
2 M. Cap.  
13. Engl.  
Ve. Bulstr.  
3 Rep. fo.  
113. I.  
Roll. fo.  
168.



**S**TAT. 10. CAR. 1. SESS. 2. CAP. 18. No Justice of the Peace shall let any to Bail, who are not Bailable by the Statute of Westminster, 1. ANNO 3. E. 1. CAP. 15. And none Arrested for Manslaughter or Felony, or Suspicion thereof (being Bailable by the Law) shall be Bailed but in open Sessions; except it be before Two Justices of the Peace at the least *Quorum unus*) and the same Justices to be present together, at the time of the Bailment, and the same to be Certified in Writing under their Hands, at the next General Gaol-Delivery.

II. And the Justices when any Prisoner is brought before them, shall (before they Bail him) take the Examination of the Prisoner, and the Information of them that bring him, which they shall put in Writing before they take Bail, and Certifie the same, and the Bonds of the Bail, at the next General Goal-Delivery, as aforesaid, before the Tryal be had.

III. And if any Justice of the Peace, Offend herein, the Justices of Gaol-Delivery for the place where the Offence is Committed, shall for every such Offence (the same appearing to them upon due proof by Examination) set such Fine upon every such Justice, as they shall think fit; and Estreat the same as other Fines and Amerciaments, Assessed before Justices of Goal Delivery ought to be.

4 Gul. 4  
Mar. Cap.  
4. Engl.

IV. STAT. 7. GUL. 3. SESS. 1. CAP. 18. The Chief Justices and other Justices of the Kings-Bench, or any Two of them, whereof the Chief Justice to be One, and so of the Common-Pleas; and the Chief Baron and Barons of the Exchequer, or any Two of them, whereof the Chief Baron to be One; may by Commission under the Seals of their respective Courts (as often as need requires) Impower so many persons (other than Common Attorneys and Sollitors) as shall be fit and necessary in all Counties in Ireland, to take such Recognizances of Bails, as any shall be willing to acknowledge before them, in any Action depending in any of the said Courts, in such manner, as the Justices and Barons of the said Courts have used to take the same; which said Recognizances shall be Transmitted to some or one of the Justices or Barons of the said Courts, where such Sute shall be Depending; and upon Affidavit made of the true taking thereof, by some Credible person that was present; such Chief Justice or Chief Baron, Justice or Baron, shall receive the same upon paying the usual Fees; and the same shall be of the like effect, as if taken *De bene esse*, before any of them.

V. The Commissioners are to take 2 shillings and no more, for taking such Recognizances of Bail; and for every such Commission to Impower them, shall be paid 13 shillings and 4 pence, and no more.

VI. The Justices and Barons are to make such Rules for Justifying of such Bails, and making the same Absolute as they think fit, so as the *Cognitors* thereof, be not compellable to appear in Person in any of the said Courts, to Justifie themselves, but the same to be Determined by Affidavits duly taken before the said Commissioners, who may Examine the Sureties upon Oath, touching the value of their Estates, unless they live within the City of Dublin, or within 10 Miles thereof.

VII. Any Judge in his Circuit also may take Bails, to be Transmitted as aforesaid, and to be received without Oath, upon payment of the usual Fees.

VIII. If any shall Personate another before any Commissioners Empowered to take Bails, whereby the Person so Personated may be lyable to the Payment of the Debt or Damages to be recovered in the same Sute, wherein he is Personated, the Offenders (being lawfully Convictted thereof) shall be Adjudged Felons, and suffer the pains of Death.

### Bishops.

II. Stat. 2. El. Cap. 4. Upon the Vacancy of any Arch-bishoprick, or Bishoprick within this Realm, the Queen her Heirs and Successors, may by Letters Patents under the Great Seal of England, or of this Realm, or the Lord Deputy, &c. of this Realm (having Informations, Letters Missive, or other Warrant Signed by the Queen, her Heirs or Successors for that purpose) by Letters Patents under the Great Seal of this Realm, may Confer the same to any Person whom the Queen Her Heirs or Successors shall think meet.

II. And upon every such Collation so made (if to the Office and Dignity of a Bishop) then to be signified to the Arch-bishop of the Province, where the See of such Bishoprick is void (if the See of the said Arch-bishoprick be full) and if void, then to such Arch-bishop within this Realm, as shall please the Queen, Her Heirs or Successors, or the Lord Deputy, &c. having Instructions as aforesaid) and if any such Collation shall happen to be made to the Dignity of an Arch-bishop, then the same to be signified in form aforesaid, to one Arch-bishop and two such Bishops, or else to four such Bishops in this Realm, as shall be Assigned as aforesaid.

III. And when any such Collation is made, as aforesaid, then every Arch-bishop and Bishop to whom the same shall be signified, shall with all speed Invest and Consecrate the Person so Conferred, to the Office and Dignity he shall be Conferred unto; and give him his Pall and all other Benedictions, Ceremonies and Things Requisite for the same, without procuring any Bulls or other Things, by or from any Foreign power.

IV. Every Person thus Conferred, &c. to the Dignity or Office of Arch-bishop or Bishop within this Realm, and suing their Temporalities out of the Hands of the Queen, Her Heirs and Successors as hath been accustomed, and making such Oath and

Fealty

# Bishops. Bridges.

Fealty only to Her, Her Heirs and Successors (and to none other) as shall be Limited and Appointed for that purpose, shall be *Thronized* or *Installed* (as the Case shall require) and shall have and take their only Restitution out of the Queens Hands, Her Heirs and Successors of all the Possessions Spiritual and Temporal, belonging to the Arch-bishoprick or Bishoprick, whereunto they shall be Conferred and shall be obeyed in all things according to the Title and Dignity that they shall be Conferred unto, and Execute every thing touching the same, as any Arch-bishop or Bishop of this Realm (without Offending the Prerogatives Royal of this Crown, and the Laws and Customs of this Realm) might at any time heretofore do.

V. If any Arch-Bishop or Bishop within this Realm, (after such Collation signified to them, in manner aforesaid) shall refuse to Invest and Consecrate as aforesaid, within 20 days next, after the Queens Letters Patents of such Collation shall come to their Hands; or if they or any other person or persons Admit, Maintain, Allow, Obey, Do, or Execute any *Censures, Process or Act* of what Name or Nature soever, to the Hindrance of the due Execution of this *Act*: All persons so Offending, and their Aids, Counsellors and Abettors, shall Incur the Penalties of the Statutes of *Provisors and Premunire*, made in *England*, in the 25. E. 3. &c. 16. R. 2.

## 22. H. 8.

C. 5. Engl. I. *Stat.* 10. *Car.* 1. *Cess.* 2. *Cap.* 26. Bridges, Cawseys and Ve. Co. 2. Toghers (if they be without City or Town Corporate) shall be Inst. fo. made by the Inhabitants of the Shire or Barony within which 697 &c. &c. they shall be in Decay, or thought fit to be newly made. 5 Rep. fo. And if within a City or Town Corporate (which is a County 64. 66. 67. Pop. Rep. of it self) then by the Inhabitants of the same; and if within fo. 192. a. Regift. fo. a Town Corporate that is no County, then by the County or Regift. fo. Barony, as aforesaid; and if part lie in one County and part 154. a. F. in another, then the Inhabitants of both the Counties shall N. B. fo. be chargeable with the Repairs of such part as lies within 127. e. their severall Limits.

## Ve. Co. 2.

Inft. fo. II. Justices of Assize in their Circuits, and the Justices of 702, 703. Peace in every Shire of this Realm, Franchise, City or Bur- &c. 5. Rep. rough, in their Quarter-Sessions, respectively with the Assent fo. 64. 66. of the Grand Jury, shall Tax every Inhabitant within the Li- mits of their Commissions, to such sum of Money, as they think sufficient for New Building and Repairing such Bridges. &c. And shall cause the Names and Sums of every particular Person fo Taxed, to be written in an Indented Roll, one part thereof under their Seals, to be given to the Two Collectors (which they shall appoint for every Barony, City, Burrough, Town and Parish) who by vertue thereof shall Collect and receive the same, and Distraint the Refusers to pay, in their Lands, Goods and Chattles, and of the Sale thereof, retain the Money Taxed, rendring the Overplus (if any be) to the Owner.

III. And

III. And the said Justices of Assize and Justices of the Peace, may also (within the Limits of their respective Commissions) appoint two Surveyors of such Building and Repair of every such Bridge, &c. to whose Hands the said Collectors shall pay the Money by them received. And the Collectors and Surveyors and their Executors and Administrators, shall from time to time at the publick Sessions of the Peace, Accompt to the Justices of the Peace of the Shire. &c. wherein they are appointed Collectors or Surveyors, of their Receipts, Payments and Expences, and upon their Refusal, the Justices may Issue out Proces of Attachment under their Seals, against them, their Executors and Administrators, Returnable at the General Sessions of the Peace. And upon their Appearance, Compel them to Accompt. And upon Refusal, to Commit them to Prison without Bail, till they Accompt.

IV. And Justices of Assize and of the Peace, shall allow to the said Collectors and Surveyors such reasonable Costs and Charges as they think convenient.

### Bows and Butts.

I. Stat. 5. E. 4. Cap. 4. Every English-man and Irish-man that dwell with them, and speak English (between the Age of Sixteen and Sixty) shall have an English Bow, and twelve Shafts, in pain of two pence every Month till it be done.

II. Stat. 5. E. 4 Cap. 5. In every English Town consisting of above three Houses, holden by Tenants, shall be chosen by the Neighbours or Lord of the Town, a Constable, to be President and Governour (if there be no other) of the Town, to have Power according to the Ordinance of Night-watch, from Michaelmas to Easter yearly, under pain of Three pence every Night.

III. And to appoint one pair of Butts in or near the Town, at the Town Costs for Shooting, upon pain of Two shillings every Month till a Constable and Butts be made. And every Man of the Town (between the Age of Sixteen and Sixty) shall appear before the Constable or his Deputy at the Butts, every Feast-day (between the First of March and the Last of July.) And Shoot up and down Three times, in pain of one half penny every Day.

IV. The Penalties to be Levied from Month to Month upon the Offender's Goods or Wages by the Constable, or in his Default, by the Warden of the Peace, and to be laid out in strengthening the Town where they are Forfeited.

V. Stat. 10. H. 7. Cap. 9. Every Subject of Ireland worth 10 pounds, in Goods and Chattels shall have an English Bow and Sheaf of Arrows; if worth 20 pounds, to have a Jacke Sait and Bow and Arrows; Every Free-holder having Land worth 4 pounds yearly, to have a Horse, Jacke Sait and Bow and Arrows; Every Lord, Knight and Esquire, to have

for

## Buggery. Bullion. Butter.

for every Yeoman daily in their houſhold, Jacke, Saiter, Bow and Arrows, upon pain that every one Offending herein, ſhall for every time Forfeit 6 ſhillings and 8 pence to the King.

VI. Every Barony to have two Wardens of the Peace, and every Parish, Conſtables of able Persons inhabiting within the ſame, and a pair of Butts at the coſts of the Parishioners. And the ſame Conſtables (in pain of 12 pence every Default) to call before them, every Holy-day, all the ſaid Persons having Bows and Arrows as aforesaid, and to cauſe them to ſhoot, at the leaſt two or three times at the ſaid Butts.

VII. And if any of the ſaid Persons make Default at any Ho-ly-day, without a reasonable Caufe ſhewed, the Conſtables ſhall Record their Defaults, and Amerce them 4 pence for evey-ry Default, and preſent the ſame in writing to the Barons of the Exchequer to be Levied and Received as the King's Revenues are.

### Buggery.

25. H. 8.  
Cap. 6.  
Engl.  
Ve. Co. 3.  
Inſt. 58.  
Cap. 10. 3.  
Rep. fo. 36.

I. Stat. 10. Car. I. Seſſ. 2. Cap. 20. Buggery committed with Mankind or Beast, is made Felony, without Benefit of Clergy. And the Offenders being Convicted by Verdiſt, Confeſſion or Out-Lawry, to ſuffer pains of Death, and Loſs of Goods and Lands. Stanf. Plat. Coron.

and 4 P. M. Dalifons Rep. Plow. Com. 97. Co. Pla. fo. 351. 12.  
II. Juſtices of the Peace within the Limits of their Commiſſions have power to Enquire of the ſaid Offence, as they uſe to do in Caſes of other Felonies. 5. El. Cap. 17. Engl.

### Bullion.

I. Stat. 25. H. 6. Cap. 10. Every Ounce of Broken Silver, Bullion, and Wedges of Silver taken by any out of this Land of Ireland, the Exporter ſhall pay to the King 12 pence for Custom of every Ounce, to be Received by the Cuſtomers.

II. But Lords and Meſſengers going into England, about the Buſineſſ of the Land, are excepted and may take Plate with them according to their Qualities.

### Butter.

I. Stat. 10. Gul. 3. Seſſ. 2. Cap. 2. After the 25th day of March 1698. no Cooper nor other Person, ſhall at any time preſume to make or cauſe to be made, any Butter-Caſk for ſale, but ſuch only as ſhall be made of ſound, dry and well feaſoned Timber; And that every Firkin ſhall contain two qua-ters of a hundred, at 112 pounds to the hundred, neat, beſide the Tare of the Caſk, and not leſs, of good Merchantable Butter, and the Caſk not to weigh above 10 pounds, and to contain 7 Gallons. And every half Barrel ſhall contain an hundred

hundred weight neat, besides the weight of the Cask, and the Cask not to weigh above 20 pounds, and to measure 14 Gallons. Every three Quarters Barrel, shall contain an hundred and two Quarters neat, besides the weight of the Cask, and the Cask not to weigh above 30 pounds, and to measure 21 Gallons. And every Barrel shall contain two hundred weight neat, besides the weight of the Cask, and the Cask not to weigh above 40 pounds, and to measure 28 Gallons, and that every such Cask hereafter to be made, shall be made with 3 Hoops on each Quarter, to be set on with Twiggs, or sufficiently Notched, and have two Heads to be put into Riggles and made Tight, so as to hold Pickle, and that no Cap-heads be hereafter made, for any such Cask to be Exposed to Sale as aforesaid.

II. Every Cooper or other Person making Cask for putting Butter in, as aforesaid, shall set upon them a Mark, with the first Letter of their Christian Name, and Sirname at length, with an Iron Brand, with a Mark for the City, Town, Village or Parish where he lives. And every Farmer or other Person hereafter at any time packing up Butter, or exposing the same to Sale after the day aforesaid, shall pack up the same in such sufficient Cask, made of Sound, Dry and well Seasoned Timber, and marked as aforesaid, and in none other; and shall set upon every such Firkin and Cask, when the same is fully Seasoned by filling it with Water, and not to be put standing in Water; and when the same is filled with Butter, the first Letter of his and their Christian Name and Sirname at length, with an Iron Brand; and the Cooper or Farmer or other Person, after the Day aforesaid, offending herein, and being convicted upon Oath of the said Offence, before One or more Justices of the Peace, or chief Magistrate of any Corporation, by one or more Witness or Witnesses (which Oath they may, and are required to Administer) or upon the Offender's Confession before them, the said Offenders shall Forfeit for every such Offence, to the use of the Poor of the Parish where the Offence was committed, 10 Shillings for every hundred weight of Butter; and so proportionably for every greater or lesser Quantity that shall be in every such Cask, to be Levyed by Distress and Sale of the Offender's Goods and Chattels, Restoring the Overplus after all Charges of taking the Distress Defrayed; And every Constable of the Parish, or Chief Constable of the Barony (where such Offence shall be Committed) are to Levy the same by Warrant under the Hand and Seal of such Justice or Justices, or Chief Magistrate: And for Lack of Distress, the Justice, &c. before whom such Conviction shall be made, (by Warrant as aforesaid) may appoint such Offenders to be publickly set in the Stocks for the space of two Hours,

## Butter. Captains.

III. All Goods and Merchandises of the Growth and Manufactory of this Kingdom, usually Sold by the Hundred Weight, shall after the Day aforesaid, be Bought and Sold at 112 pounds to the Hundred Weight and no more, upon pain of Forfeiture of the Sum of 10 Shillings, for Buying and Selling any Goods and Merchandises contrary to the true meaning of this Act.

IV. If any Action shall be Commenced against any Justice, &c. Constable or other Person, for doing any thing in Pursuance of this Act, the Defendants may plead the General Issue, and give the special Matter in Evidence; And if upon such Action, Verdict be given for the Defendants; or if the Plaintiff become Non-Sute, or discontinue his Action, then the Defendant shall have treble Costs.

V. None shall be Prosecuted or Troubled for any Offence against this Statute, unless the same be proved or prosecuted within the space of 3 Months next after the Offence committed.

The Clause in this Act for Supplying the Defect in the Omission of the Word (*Thousand*) in a Clause of the Act of the 9 Gul. 3. Cap. 29. is Referred to Tit. *Excise*, which see there S. 103.

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### Captains.

I. **S**TAT. III. El. *Seff.* 3. Cap. 7. No Earl, Baron, Viscount, Lord, or pretended Captain, dwelling within any the Shire Ground of this Realm, or any of their Servants or Men, shall take upon them the Name of Captain or Ruler of any Country, Cantred or Territory, being Shire Ground, except such as shall have Letters Patents from the Queen, her Heirs or Successors, nor shall as a Captain or otherwise, Exact for the finding of him, his Followers or Horses, any Exaction whatsoever of any of the Queen's Subjects.

II. Nor shall any as such Captain, Assemble the People for making of War or Peace, Granting of Sesses, finding Men or otherwise, nor Lead the People to do any Act Offensive or Invasive without Special Authority under the Great Seal of the Realm, or Warrant in Writing from the Governours of the same Realm, upon pain of an 100 pounds Lawful Money of *England*, for every Earl, Viscount, Baron or Lord of this Realm, that shall Offend herein; And for every pretended Captain and other Person under the Degree of a Baron or Peer of this Realm an 100 Marks of like Money, Two Parts thereof to the Queen, Her Heirs and Successors, and the Third Part to such as shall present the same Offence, to be recovered by Action of Debt, Bill, &c. in any of the Queen's Courts, wherein no Essoin, &c. shall be Allowed.

III. Pro-

III. Provided this Act shall not extend to Restrain Pursuit for Goods taken, so that the same be made within seven Days after the Goods taken.

## Cattel.

I. Stat. 18. Car. 2. Cap. 2. Engl. By this Statute it is Enacted, that if any Cattel, Sheep or Swine, or any Pork, Beef, or Bacon (except for the necessary Provision of the Ships or Vessels in which the same shall be brought not exposing the same to Sale) be Imported or brought from *Ireland* or any other Parts beyond the Sea into *England*, *Wales* or Town of *Berwick upon Tweed*, it shall be taken as a publick Nuisance; and any Constable, Tything-man, Head-borough, Church-Wardens or Overseers of the Poor, may Seize the same, within their Respective Liberties. And if in 48 Hours the Owners make it appear unto some Justice of the Peace of the same County, by the Oath of two Witnesses, that the same were not Transported from *Ireland*, &c. then the same to be Delivered without Delay, but in Default of such Proof to be Forfeited.

II. Stat. 20. Car. 2. Cap. 7. Engl. Then by this Act Power is given to any other Inhabitant (as well as to the Officers aforesaid) where such Importation shall be made, to Seize the Cattel and Goods so Imported. And by this Statute (mentioned in the Margent) Mutton and Lamb, and Butter, and Cheese are also made lyable to the like Seizure.

III. And every Ship and Vessel with all her Tackle and Apparel, in which any great Cattel, Swine, Sheep, Beef, Pork or Bacon, shall be imported from *Ireland*, &c. to *England*, *Wales*, or Town of *Berwick upon Tweed*, shall be Forfeited, and that any Person may Seize the same within one Year after such Importation, and make Sale thereof, and one half of the Monies raised thereby to be to the use of the Poor of the Parish where the Seizure is made, and the other half to the use of the Seisor.

IV. And any Justice of the Peace or Chief Officer, by Warrant may cause to be Apprehended the Masters, Marriners and Sea-men, belonging to such Ship or Vessel, and commit them to the Common Goal of the County without Bail or Mainprize, for three Months.

## Challenge.

I. Stat. 5. E. 4. Cap. 1. Persons Sued by Feoffees, who stand Seized to the use of others, may have the same Challenge against any Sheriff, Bayliff or any other Arraying the Jury, as they might if they were Sued by the Feoffees themselves; And may Aver that the said Jurors, Sheriff, Coroner or any other Officer is Gossop, of Kin, or Allied, or any other Lawful Challenge.

*Ve. Co. Lit.* II. Stat. 33. H. 8. Cap. 4. Consanguinity or Affinity being within the Fifth Degree betwixt a Juror Impanelled, or his Wife, or any of the Parties to the Tryal, or the Wife of any of them, or betwixt the Sheriff, Under-Sheriff, Coroner or other Officer Returning the Jury, or the Wife of any of them, shall be no principal Challenge.

33. H. 8. III. Stat. 10 and 11. Car. I. Seff. 4. Cap. 9. None that Cap. 23. shall be Arraigned for High-Treason, Petty-Treason, Murther, Engl. Ve. Man-slaughter or any other Felony whatsoever, shall be Ad- D. & Stud mitted to Challenge Peremptorily above the Number of Twenty lib. 2. of their Jurors. And if upon their Tryal, they Challenge Stamf. above that Number, then the Justices or Commissioners and plac. Coro. all other Persons having Authority for the Tryal of them, fol. 137, may Proceed to give Judgment against them, and Award such 138. Dyer. Execution upon the same, as they might have done, if such fol. 132. Offenders hath Challenged Peremptory the Number of Six and 286. Co. Thirty or more, before the making of this Statute.

*Lit. ubi supra*, &c. 3. Inst. fol. 27. 11. Rep. fol. 63. 17. Ass. 6. 9. H. 5. 7. 3. H. 7. 2. 14. H. 7. 14. 2. R. 3. 13. Bro. Cball. 217. & Fortescue de Laud. Legum Angl. Cap. 27. &c.

### Chyographer.

33. El. I. Stat. 10. Car. I. Seff. 2. Cap. 10. The Chyographer of Cap. 3. Fines for the Common-Pleas, shall write (for every County Engl. where the King's Writ runs) one Table containing the true Contents of every Fine that shall pass in any one Term, viz. The Name of the County wherein the Tenements mentioned in any Fine do lie, the Name of every Plaintiff, and Defendant, and of every Mannor (if any such be) and of the Town and Places wherein the Tenements lye. And the first Day of the next Term after the ingrossing of every such Fine, shall Fix every of the said Tables upon some open Place of the Common-Pleas, and so every Day of the said Term, during the time of Sitting the Court.

II. And the Chyographer shall deliver to every Sheriff of every County, his Under-Sheriff or Deputy, fairly Written in Parchment, a Perfect Content of the Table to be made for that County, in the Term next before the Assizes there, or some time between the Term and the said Assizes; and every Sheriff, the first Day of the Assizes next after such Delivery and every Day during the Assizes, shall set up the same undefaced in some open Place in the Court, where the Justices of Assize shall Sit, and shall see it continue there during the time of their Sitting there in Court.

III. Every Chyographer and Sheriff, Offending herein, shall forfeit 5 pounds, one Moyety to the King, and the other to the Prosecutor that will Sue for the same in any Court of Record, wherein no Essoin, &c. shall be allowed.

IV. The

IV. The Chyrographer shall have and take for every such Content of every Fine so set down in the Table aforesaid 4 pence Sterling, and no more.

## Clergy.

I. Stat. 11, 12, & 13. Fac. 1. Cap. 3. If any shall Commit any Felonious Rape, or Ravishment of any Maid, Wife, Widow or Damosel, or any Felonious Burglary, or shall Rob any in their Dwelling-House or Place, the Owner, or Dweller, his Wife, Children or Servants, then being in or about the same; or shall Rob any in any Booth or Tent in any Fair or Market, the Owner, his Wife, Child or Servant then being within the same, or shall Rob any Person in or near any Highway, Path or Passage, or shall Rob any Church or Chappel, or shall Steal any Horse, Gelding, Mare, or Garran; and being Indicted of any of the said Offences, and found Guilty by Verdict, or shall confess the same upon Arraignment, or will not Answer directly, or wilfully, or out of Malice stand Mute, or shall peremptorily Challenge above the Number of Twenty Jurors, or shall be Out-Lawed upon the same Indictment, shall Receive Judgment and suffer Pains of Death, without any Allowance of Clergy.

Kelway 81. Stamf. pl. Cor. 37. b. 132. &c. de Clergy. Co. 4. Rep. 43, 44. 5. Rep. 26, 27. 50. 110. 11. Rep. 29, 30. 3. Inst. 114. cap. 50. Moo. Rep. fol. 661. pl. 902. Pop. Rep. fol. 42. & 52.

II. And such as shall have the Benefit of Clergy, shall not be Delivered to the Ordinary as has been Accustomed, but after Clergy Allowed and Burning in the Hand, may be Delivered out of Prison by the Justices, or other Magistrate, before whom the same shall be Granted, or if they think fit, they may Detain such Offender still in Prison (so that it exceed not one Year) for the further Correction of Him or Her.

110. Bulstr. 2. Rep. fol. 137. Cro. Fac. fol. 430. Co. 2. Inst. fol. 636.

III. Stat. 15. Car. 1. Cap. 7. All Persons admitted to the Benefit of Clergy, shall notwithstanding, be put to Answer all other Felonies, whereof they shall be afterwards Indicted orAppealed and not being thereof lawfully Acquitted, Convicted, Attainted or Pardon'd, and shall be Arraigned, Tryed, and suffer Execution for the same, as they should have done, if as Clerks Convict, they had been delivered to the Ordinary, and there had made their Purgation.

IV. Stat. 7. Gul. 3. Sejj. 1. Cap. 11. If any shall Stab or Thrust another (that hath not then any Weapon drawn) or that hath not first stricken the party which shall so Stab and Thrust) so as the Party dye within six Months then next following, although it cannot be proved that the same was done of Malice fore-thought; yet the Party offending, and being thereof Convict by Verdict, Confession or otherwise, according to the Laws of this Realm, shall be Excluded from the Benefit of Clergy and suffer Death.

18. El.  
Cap. 7. 5.  
& 6. E. 6.  
Cap. 9. 23.  
H. 8. Cap.  
1, 2, & 3.  
E. 6. Cap.  
33. 37. H.  
8. Cap. 8.  
1. E. 6. Cap.  
12. Engl.  
Ve. Co. 3.  
Inst. 61.  
Cap. 12.  
63. Cap.  
14. & 68.  
Cap. 16.

18. El.  
Cap. 7.  
Engl.  
Ve. Hob.  
Rep. fol.  
294. Co. 5.  
Rep. fol.

110. Bulstr. 2. Rep. fol. 137. Cro. Fac. fol. 430. Co. 2. Inst. fol. 636.

18. El.  
Cap. 7.  
Engl. Ve.

214. Co.  
12. Rep.

fol. 100.  
Rep. fol.

1 Fac. 1.  
C. 8. Engl.  
Ve. Bulstr. 1.

Rep. fo. 87.  
Stiles Rep.

fo. 86. &  
468. God-

bolt Rep.  
fo. 154.

V. pl. 204.

## Clergy.

V. But this Act shall not extend to any which shall Kill any Person *Se defendendo*, or by Misfortune, or in any other manner then aforesaid, nor any who in keeping and preserving the Peace, shall chance to commit Manslaughter, so as the same be not committed Wittingly, Willingly and of Purpose, under the shew aforesaid; nor to any which in Chastising his Child or Servant, shall chance to commit Manslaughter.

23 H. 8. VI. Stat. 9. Gul. 3. Sejj. 1. Cap. 32. After the First day Cap. 1. 25. of May 1698. every Person and Persons that shall Rob any o-  
H. 8. Cap. ther, or shall Feloniously take away any Goods or Chattles in  
3. w E. 6. any Dwelling-house, the Owner or any other Persons being  
Cap. 12. 5. therein, and put in fear; or shall Rob any Dwelling-house in  
& 6. E. 6. the Day time, any Person being therein; or shall comfort and  
Cap. 9. 4. & abett, assist, counsel, Hire or command any to commit any of  
5. F. & M. the said Offences; or to break any Dwelling-house, Shop or  
Cap. 4. 39. Ware-house thereunto belonging, or therewith u[er]ed in the  
El. Cap. day time, and Fellowiously take away any Money, Goods or  
15. Engl. Chattles of the value of five Shillings or upwards being therein  
3 & 4. W. (altho' no Person shall be therein) or shall counsel, hire or  
& M. C. 9. command any to commit any Burglary, being thereof convicted  
Ve. Hutt. ed or attainted, or being indicted thereof shall stand Mute, or  
Rep. 33. 3. will not directly Answer to the Indictment, or shall Peremptorily  
& 4. Gul. challenge above Twenty Jurors, shall not have the Benefit  
& Mar. C. of Clergy.

9. Engl. VII. If any be indicted of any Offence for which by any former statute, Clergy is taken away, if they had been thereof convicted by Verdict or Confession, such Criminals, if they stand Mute, Answer not directly, or challenge above Twenty Jurors Peremptorily, or shall be Out-Lawed thereupon, shall be Ousted also of the Benefit of Clergy.

VIII. And if any shall be indicted for Stealing any Goods or Chattels in any County within this Realm, and thereof be convicted or attainted, or upon their Arraignment stand Mute, not Answer directly, or challenge Peremptorily above Twenty Jurors, shall be excluded from the Benefit of Clergy. If it appear before the Justices, upon Examination, that the Goods or Chattels were taken by Robbery or Burglary, or in any other manner, in any other County, whereof, if they had been convicted by a Jury of the said County, they are excluded by this or any other Statute, from having the Benefit thereof.

21. Fac. 1. IX. For Felony, where a Man shall have the Benefit of Cap. 9. Clergy, a Woman convicted for such Offence, upon her Prayer to have the Benefit of this Statute, she shall be burned in plus postea the Hand by the Goaler in open Court, and further be kept Tit. Wom. in Prison for such time (not exceeding one Year) as the Justices think fit.

X. The Clerk of the Crown, Clerk of the Peace or Clerk of Assizes (where any Man or Woman have been Convicted and have had the Benefit of Clergy in any County) shall at the Request

## Cloth.

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Request of the Prosecutor or any other in the King's Behalf, Certify a Transcript briefly Containing the Tenor thereof, to the Judges or Justices in such County where such Man or Woman shall be Indicted; which being Produced in Court, shall be a sufficient Proof against them.

XI. If any shall after the First Day of May 1698. Feloniously Steal or Take away any Cow or Cows, Sheep or other Cattel, and shall be thereof Convicted by Verdict or Confession, or shall stand Mute, not Answer Directly, or Challenge Peremptorily above Twenty Persons, or shall be Out-Lawed thereupon, such Offenders (if the Offence shall exceed the Crime of Petty-larceny or the Cattel Stolen shall exceed the value of 12 pence Sterling, shall not be Allowed the Benefit of Clergy.

XII. This Act to be in Force as to the Stealing of such Cow, or Cows, Sheep or Cattel, for Three Years next ensuing, and not longer.

## Cloth.

I. Stat. 13. El. Sejj. 5. Cap. 1. None but Merchants Inhabiting in one of the Staple Cities or Towns of this Kingdom, or of the Burroughs Priviledged and Incorporated Towns thereof, or their Factors or Servants, shall Transport, or cause to be Transported any Cloth or other Work or Stuff, wrought and made within this Realm, of Wool, Flocks, Linnen or Wollen-Yarn, Sheep-Fell Calf-Fell, Goat-Fell, Red-Deer-Fell or Fallow-Deer-Fell, out of this Realm, or shall Ship any of them, to be Transported out of the same.

II. And no Inhabitant, or Free-Man of any of the Places aforesaid (not being at the same time a Merchant thereof) shall by themselves, &c. Ship or Convey any Cloth, &c. in pain of Forfeiture thereof for every time, if it may be Seised upon, or the double value thereof, if not Seised, one half of the said Forfeitures to the Seisure or Informer, and the other half to the Queen, Her Heirs and Successors.

III. And every one being not Free, and an Inhabitant, &c. that shall Ship or Convey, &c. (being no Merchant at the same time of one of the Staple, Cities, &c. of this Realm) shall Forfeit the whole Cloth, &c. if it can be Seised, and if not, then the Treble value thereof, to be divided as aforesaid. And so, if the same be Shipped or Conveyed in any Place out of the Haven of City or Town.

IV. The said Forfeitures to be Sued for, before the Ordinary Judges of every City, Burrough, &c. by Plaintiff, Information, &c. or other Suit, according to the Custom of the Place, or before the Ordinary Judges of the Queen's Courts of this Realm, at the Prosecutors Election. And no Essoyn, &c. to be Allowed.

V. And all Licenses and Dispensations with this Act, or any Clause therein, to be Granted by the Governors of this Realm, shall be Void and of none Effect.

VI. All

## Collectors.

VI. All Persons and Corporation Free and Discharged of Customs to the Queen, before the making of this Act, shall continue so.

VII. This Act shall not Extend to any English Merchant or Stranger, that shall bring into this Realm, Iron, Salt, Wine, Grain, or other Merchandise, but that they, their Servants, &c. may Transport any of the Goods aforesaid, which they shall receive in Exchange for their Merchandises, and which they shall Buy with such Money, Gold or Bullion, as they bring with them into this Realm, as also with the Money made of such Merchandises within the City, &c. where they make their Discharge, so that they Buy the same of a Merchant Stapler or Merchant of the same Place, and Paying all Customs due for the same and not otherwise.

VIII. Provided that the Merchants of Burroughs Priviledged, and Incorporate Towns (not being Haven or Port-Towns) shall at all times by themselves, &c. have Liberty to Transport any of the said Goods before mentioned without Interruption, paying the Customs for the same.

IX. This Act shall not Inhibit any of the Lords Spiritual or Temporal of this Realm, nor any of the Queen's Counsel of the same or Gentlemen, to Transport any of the said Cloth, &c. for their own Necessaries; or to send to any Friends, from time to time, so that they do not use the same for any Accustomed Trade of Merchandise.

## Collectors.

I. Stat. 9. Gul. 3. Sess. 1. Cap. 31. Acquittances already given by the Collectors or Receivers Duly Authorized to Collect and Receive the Quit-Rent, Composition-Rent, and other Rents, and all Acquittances that shall hereafter be given by them, during the time they shall be Employed, shall be as good in Law against the King, as an Exchequer Acquittance Duly Passed and Entred in the several Offices of the Exchequer.

II. And all Collectors of the aforesaid Rents, shall, upon Payment of the same or any part thereof, give to the Person so Paying the same, a full Receipt or Acquittance for what he shall Receive, in Parchment under his Hand, wherein he shall mention the Sum Received, and for what Gales-Rent, and for what Land and on what Account, the same is Paid to him. For which Acquittance he may Demand and Receive, for any Sum above 5 shillings, and not exceeding 20 shillings, the Sum of 6 pence; and if above 20 shillings, and not exceeding 5 pounds, one shilling; if above 5 pounds, and not exceeding 15 pounds, 1 shilling 6 pence, for every Sum above 15 pounds the Sum of 2 shillings and no more, for any one Acquittance,

III. And where any Persons stand Charged with the Payment of several distinct Sums in respect of several Parcels of their Lands and Tenements, or where the same is in Charge of other Persons,

Persons not in Possession of such Lands; the Collectors within their respective Districts, shall on the Receipt of the said Rents, or any Part thereof, give to the Persons so in Possession as aforesaid, and so Paying the same, one Acquittance for what he shall so Pay, which Acquittance shall distinctly mention as well the Lands and Tenements, as the Rent so Paid, and for what Gale the same is so Paid, and to whom, for which one Acquittance he shall Receive no other or greater Fee than as aforesaid.

IV. And the Collectors shall every year prepare a Book wherein they shall Enter all the Receipts or Acquittances, by them given for every the aforesaid Rents under their Hands, and in the presence of the Party Paying the same, to which the said Party or any other on his behalf, may set their Names. For every which Entry, the said Collectors may Demand and Receive 2 pence above the Fees aforesaid, which Books they shall Yearly (before the Stating their Accounts) Return under their Hands, and on their Oaths, into the Office of the Auditor General, to be kept, not only as a Charge on them, but also as a Discharge to the Subject, for all Sums thereby Appearing to be Paid as aforesaid.

## Commissions.

I. Stat. 28. H. 6. Sess. 2. Cap. 2. No Commission shall be Issued out of the Chancery in Ireland, to Enquire, Hear and Determine, or to Enquire, Hear and Certify, in the Counties of Dublin, Kildare, Meath and Uriel, of Treasons, Felonies, or Goods of Felons, and Men Out-Lawed, Trespasses, Contempts and all other Excesses and Offences, but that the Chancellour, Treasurer, or Justices of the one Bench or of the other, or Barons of the Exchequer, the King's Serjeant, or Attorney or one of them, shall be Joyned in such Commission, and be of the Quorum, and be present at the taking such Inquisitions.

II. Saving the Commissions made to Justices of the Peace after the Old Form.

III. Such Commissions made to the contrary, and all the Inquisitions taken by Force thereof to be void.

## Comrick.

I. Stat. 18. H. 6. Cap. 2. If any English shall Receive and Put Thieves, Robbers and Rebels into their Safeguard and Comrick, both they that Put themselves, and they that Grant such Safeguard and Comrick, shall be Adjudged Traytors.

II. And such Safeguard and Comrick shall be Adjudged Treason, unless it be Granted by such that have Authority by virtue of their Office, or by Special Authority from the King, upon pain of Life and Member.

# Confirmation.

## Confirmation.

I. Stat. 10 H. 7. Cap. 8. All the Statutes of *Kilkenny* (except such as Appoint every Subject to Ride in a Saddle, and such as Speak of the Language of Irish) are Approved and Confirmed.

II. And all other Acts made for the Good of the Common-Weal, to be Enquired of and Executed; and to be Incorporate and Written in two Books, one of them to Remain in the King's Chief-Place, and the other in the Common-Place, and the Treasurer to see it Performed.

*Ve. Co. Lit. 141. a. b.* III. Stat. 10. H. 7. Cap. 22. All Statutes made in *England* concerning the Publick-Weal of the same, shall be good in Law, and shall be Used and Executed in all Points within this Land, and Confirmed. And all Statutes made to the contrary within this Land to be void.

IV. Stat. 10. Car. I. Sess. 3. Cap. 5. All Gifts and Grants of any Lands, Tenements, Tythes, Pensions, Portions, or Hereditaments, either found by the great Office taken in the Year 1609. to have belonged to any *Herenaghes* and *Corbes*, or were by any other Title Devolved and come to the Imperial Crown of this Realm, and are by Letters Patents, Given or Granted to the Arch-Bishop of *Ardmagb* or Bishops of *Derry*, *Clogher*, *Raphoe* and *Kilmore*, and to their Successors, shall be from henceforth for ever Good and Effectual in the Law as well against the said *Herenaghes* and *Corbes*, and their pretended Heirs and Successors, as against the King, His Heirs and Successors.

To this Clause be now Expired, yet I have Abridged the same, that those Persons who formerly held the Lands formerly held by such *Herenaghes* and *Corbes* and under the 60. years may know by what Authority such long Leases were Granted:

within five Years next coming after the First Day of this present Parliament be severally made by the said Arch-Bishop and Bishops or by their Successors, with the Consent and Approval of the Chief Governours, and Six of the Counsel of State of any Lands, &c. belonging to their several Arch-Bishopricks and Bishopricks (so as the present or greater Rent be Reserved) for any Term not exceeding Threescore Years from the First Day of this present Parliament, shall be good against the King, His Heirs and Successors, and against the said Arch-Bishop and Bishops and their Successors and against such *Herenaghes* and *Corbes* and their pretended Heirs and Successors.

VI. The Right of others (other than the King, His Heirs and Successors and the said *Herenaghes* and *Corbes* and their Heirs and Successors, and the said Arch-Bishop and Bishops and their Successors respectively) is saved by this Act.

Continuance.

## Continuance.

I. Stat. 11. E. Cap. 5. Seſſ. 1. By this Statute, the Act against Grey-Merchants, Anno 32. H. 8. Seſſ. 1. Cap. 2. For Servants Wages, Anno 33. H. 8. Cap. 9. And the Act of Jeo-failes, Anno 33. H. 8. Seſſ. 2. Cap. 3. are Recontinued, Revived and made Perpetual.

## Contracts.

I. Stat. 7. Gul. 3. Cap. 12. No Contract for the Sale of any Goods, Wares or Merchandises for the price of 10 pounds Sterling and upwards (after the Feast-Day of the Nativity of St. John Baptist 1696) shall be good, except the Buyer shall Accept Part of the Goods so Sold, and shall Actually receive the same, or give something in Earnest to bind the Bargain, or in Part of Payment or that some Note or Memorandum in Writing of the said Bargain, be made and Signed by the Parties to be Charged by such Contract or their Agents therunto Lawfully Called.

## Corn.

I. Stat. 8. E. 4. Cap. 2. No Man (having sufficient Store of Corn of his own) shall Buy any in the Common Market, nor shall any called Badgers, Buy Corn at one Market, and shortly after carry the same to another Market and Sell the same dearer there by 2 pence or 4 pence in a Bushel upon such pain as is made against Regrators of the Kings Market.

II. And none shall Buy any Corn in the Common Market, to Sell the same again in the same Market, nor in no other Market, upon pain to be Adjudged in Law a Common Regrator.

III. Stat. 12. E. 4. Cap. 3. None shall Transport any Grain to other Parts out of the Land, when the price of one Peck of the said Grain, exceeds 10 pence, upon pain of Forfeiture thereof, or the value.

IV. And the Owner of the Ship Laden with the said Grain, shall Forfeit his Ship, one Moyety of the said Forfeitures to the King, and the other to the Party that shall Seize the same.

V. Stat. 13. H. 8. Cap. 1. All wilful Burning of Recks of Corn in Fields and in Towns and Burning the Houses of the King's Subjects, is made High-Treason, and the Offenders therein to Suffer as in Cases of Treason, saving to the Chief Lords of the Soil their Escheats.

VI. Stat. 25. H. 8. Cap. 1. None (being strong of Body and able to Labour) shall Gather or Leaze in any Place in Harvest Time, except it be in their own Fields, nor Impotent Persons out of the Parish where their Dwelling is. And none shall give or take any Corn in Harvest for Reaping or Binding of Corn.

VII. And it shall be Lawful for any to take away all such Corn from such Leasers and other Persons taking Corn for their Labour, with all such stoln Corn as shall be gotten with any of them within or without their Houses.

VIII. One half thereof to the Lord of the Soil where the same is found, and the other half to the Taker of the same.

IX. Stat. 28. H. 8. Cap. 24. If any shall Leaze in Harvest Time in any Fields within this Land, whilst the Corn is there in Reck, or otherwise, any Person may Take and Seife the same, and such Leasers shall also Forfeit 12 pence for every time they shall so Leaze, to the Lord of the Soil to be Presented and Enquired of in his Court, and if he have none, then the King shall have the Forfeiture, and Justices in the King's Courts are to Enquire thereof as they do of other Penal Statutes, and see the same put in due Execution.

X. Occupiers of Fields, wherein any Corn shall be, shall not permit any to Leaze, in pain of 12 pence to the King every time, to be Inquired of as aforesaid.

XI. Every Inhabitant of this Land receiving or keeping in his House any Inmate in Harvest time, that shall Leaze, shall Forfeit for every Inmate 6 Shillings and 8 Pence to the Lord of the Soil, if it be Enquired and Presented in his Court Leet, and in Default thereof, to be Enquired of in the King's Courts as aforesaid.

XII. This Act shall not extend to any Owners of Corn, but that they may Leaze by themselves or Servants their own Corn.

XIII. Stat. 10 and 11. Car. 1. Sess. 4. Cap. 17. None shall by himself, Wife or Children, or Servants, Tenants, or any of them, burn any Corn or Grain in the Straw, on pain of Imprisonment in the common Goal of the County where the Offence is committed, for 10 days space without Bail, for the first Offence, and to pay the Charge himself (of sending him to the Goal) before his Inlargement. For the second Offence, Imprisonment of One whole Month, and to pay the Charges as aforesaid. For the third Offence, to Forfeit 40 Shillings towards the Relief of the Prisoners in the said Goal to be paid (before he be Discharged) into the Hands of the Mayor, or chief Magistrate where such Goal is, to be Distributed at his Discretion, and to be bound to his good Behaviour, and pay the Charges as aforesaid.

XIV. The Justices of the Peace of the County, where the Offences shall be committed, in their Sessions, shall Hear and Determine the same, and at all times out of Sessions, as well by Oath as all other lawful means, to find out the Truth, and to commit the Offenders.

XV. A Proviso for the Burning of 6 score sheaves of Corn for the space of Two years after the making of this Statute,

Coroners.

# Coroners. Corporations. Cosherers. 37

## Coroners.

I. Stat. 10. Car. 1. Sejj. 2. Cap. 18. Every Coroner upon 1 & 2 P. an Inquisition found before him, upon which any shall be Indicted for Murder or Manslaughter ; or as Accessary before the Fact, shall put in Writing the Effect of the Evidence given to the Jury before him being material ; and shall bind all such by Recognizance or Obligation as do declare anything material (to prove the Offence) to appear at the next General Goal-Delivery, to be held for the Place, where the Tryal thereof shall be, to give their Evidence against the party to be Indicted at the time of his Tryal, and shall certifie as well the said Evidence, as such Bonds in Writing as he shall take ; together with the Inquisition or Indictment before him taken and found, at or before the time of the said Tryal thereof to be had.

II. In Case of Failer herein, the Justices of Goal-Delivery for that Place (upon due proof thereof, by Examination before them) shall for every such Offence, set such Fine on every such Coroner, as they shall think fit, and Estreat the same as other Fines and Amerciaments Assessed before Justices of Goal-Delivery ought to be.

## Corporations.

I. Stat. 10. H. 7. Cap. 7. No City or great Town within this Land, shall admit any to be Alderman Juror or Freeman within the same, but such as have been Prentice, or continually Inhabiting therein ; nor call no Lord nor other person to their Meetings or Counsels, but only their Recorder and Learned Counsels ; nor shall Elect any to be their Mayor or Head Officer, but such are well known to be good Subjects to the King, and true to the Common-weal, upon pain (the Offence being lawfully proved) to Forfeit 100 Marks of Money to the King, as often as they Offend therein.

II. This Act shall be Established for Law, by Authority of their Counsels, and rest upon Record for the common good of the said Cities and Towns.

## Cosherers.

I. Stat. 10 and 11. Car. 1. Sejj. 4. Cap. 16. None (having no Estates of their own, nor Means or Support from Parents or Kindred) shall walk up and down in the Country with one or more Grey-hound or Grey-hounds, or otherwise shall Coshere or Lodge, or Cess themselves their Followers and Grey-hounds, upon the Inhabitants of the Country ; or shall Exact Meat or Drink, or Money from them, or shall crave any Helps in such sort, as the poor people dare not deny the same, for fear of some Scandalous Rhime or Song, or some worse Inconvenience to be done.

II.

II. Every Justice of the Peace in each County within the Realm, and the Justices of Assize in their several Circuits, may cause to be Apprehended all such Offenders, and bind them to their good Behaviour, and commit them to the common Goal of the County, until they shall find Bonds by Recognition, with very good Sureties, to be Returned by such Justice of the Peace at their next General Sessions.

III. And all Sheriffs, Bailiffs, Constables, Provost-Marshals, and other the King's Subjects (upon Request) are to be Aiding and Assisting to every Justice of the Peace, and Justice of Assize, in the Apprehending of the said Cofferers, and Wandering Idlers, upon pain of such Fine (being Convicted of their Neglect before the Justices of Peace, at the Quarter-Sessions, or before the Justices of Assize) as they shall think fit to Impose upon them.

### Cots.

23 H. 8. I. Stat. 10. Car. 1. Sess. 2 Cap. 17. If any Sue in any Court of Record or other Court, any Action, Bill, Plaintiff or Engl. Ve. Trespass, upon the Stat. 5. R. 2. Cap. 7. for unlawful Entries into Lands, or for Debt or Covenant, or upon any Contract supposed to be made between the Plaintiff and any other, Cro. El. fo. or in Detinue, Account, or upon the Case, or upon any Statute for a Personal Wrong; and the Plaintiff (after Appearance of the Defendant) be Non-Suite, or a Verdict pass against him; then the Defendant in every such Action shall have his 465. 503. Costs, to be Taxed by the Discretion of Judge or Judges of that Moot. Rep. Court, to be Recovered as the Plaintiff might have Recovered fo. 893. pl. his, in Case Judgement had been given for him in any such Action. 1257. &c. 625. pl. 857. Popb. Rep. fo. 96. Noyes Rep. fo. 136 Hutt. Rep. fo. 22. 69. 78. Hetley Rep. fo. 146. Dyer fo. 32. 371. Siderf. Rep. 1. part fo. 261. 1. Roll fo. 63. 2. Roll fo. 88. 213. Bulstr. 3. Rep. fo. 248. Bro. Costs 22. Co. 2. Inst. fo. 112.

23. H. 8. II. But he that Sues in *Forma pauperis* shall not pay Costs, Cap. 15. but shall suffer other Punishment, as the Justices or Judge of Engl. Ve. the Court shall think fit.

1. Roll fo. 88.

24 H. 8. III. Nor shall any that Sues for the King's Use, pay any Costs Cap. 8. to the Defendant, in any Action whatsoever, upon a Non-Suite Engl. or Verdict against him.

4. Jac. 1. IV. Stat. 10 and 11. Car. 1. Sess. 4. Cap. 8. Also in *Ejections Cap. 3. firme*, or any other Action whatsoever, where the Plaintiff or Engl. Ve. Demandant might have Costs (if Judgment shall be given for Dyer, fo him) the Defendant in such Case shall have Costs, if the Plaintiff be Non-Suite, or a Verdict pass against him, to be Assessed 32. Hob. Rep. fo. and Levied, as above-shewed.

219. Hutt. Rep. fo. 16. Tel. Rep. fo. 168. Lit. Rep. fo. 5. 295. Siderf. Rep. 261, &c. Palmers Rep. fo. 147.

V. Stat. 7. Gul. 3. Sess. 1. Cap. 25. If any shall Sue or Prosecute any Writ of Error for the Reversal of any Judgment whatsoever, given after Verdict in any of the Courts of King's Bench or Common-Pleas, or other Courts of Justice, and the said Judgment shall afterwards be Affirmed; then the Defendant in the said Writ of Error shall have double Costs against the Plaintiff, to be Assessed by the Court where the said Writ does depend.

VI Stat. 9. Gul. 3. Sess. 1. Cap. 35. Upon any Demurrer to be 8 & 9 joyned (after the first day of May, 1698.) in any Sute in any Gul. 3. C. Court of Record, by any Plaintiff or Defendant or Tenant; 11 Engl. the party for whom Judgment shall be given therein, shall have Costs, to be Awarded by the Court, as if Judgment had been given by Verdict: And if any after the said time shall obtain such or any other Judgment, in any of the King's Courts of Record of this Kingdom, or in the Courts of the County Palatine of Tipperary; and the Defendant therein shall bring a Writ of Error, and afterwards the Judgment shall be Affirmed, or the Writ of Error Discontinued, or the Plaintiff therein become Non-Sute; in every such Case the Defendant shall have his Costs and Damages at the Discretion of the Justices; and shall have Execution for the same, by Writs of *Capias ad satisfaciendum, Fieri facias, or Elegit*, at the parties Election.

VII. Also if any after the said time, bring any Action of Waste, or of Debt upon the Statute for not Setting forth of Tithes; in which Action the single value or Damage found by the Jury, shall not exceed Three pounds, the Plaintiff therein Recovering either by Judgment upon Verdict or Demurrer, shall have Costs at the like Discretion of the Justices. And so where any shall Sue forth a *Scire facias*, or Commence any Sutes in a *Prohibition*, and Recover and have Judgment by Verdict, or upon Demurrer as aforesaid, he shall have Costs at the Discretion of the Justices as aforesaid; and if in any of the said Sutes, the Plaintiff become Non-Sute, Discontinue the Action, or a Verdict pass against him; the Defendants in such Cases shall have Costs of Sute, and may Sue forth such Execution for their Costs, as above shewed.

VIII. Provided that no alteration of the same, shall be made in any of the Cases aforesaid, where any Executor or Administrator shall be Defendant in any the Sutes aforesaid; so at any time hereafter to be brought against them; but that in all such Cases, they shall not be liable to pay Costs of Sute, otherwise, or in any other manner, than as the Law now requires. *Ve Hutton Rep. 69. 78. 79. Wynch Rep. 10, 11, 70. Telve Rep. 168. Cro. 168. Cro.*

### Covenants.

I. Stat. 9. Gul. 3. Sess. 1. Cap. 35. In all Actions to be 8 & 9 G.3. commenced or prosecuted in any of the King's Courts of Record at Dublin, or in any the Courts of the County Palatine. *Ve. Flow. of fo. 86. a*

## Covenants.

of Tipperary (after the first Day of May, 1698.) upon any Bond or Penal Sum for Non-performance of Covenants in any Indenture or Deed of Writing contained, the Plaintiff may assign as many Breaches as he shall think fit ; and the Jury upon the Tryal shall not only Assess such Damages and Costs, as have been heretofore usually done in such Cases, but shall also give Damage for such of the said Breaches so to be Assigned, as the Plaintiff upon the Tryal of the Issues taken therein, shall prove to have been broken, and like Judgment to be Entered on every such Verdict, as has heretofore been usually done in such Cases. And if the Defendant Plead not to Issue, but Judgment shall be given against him upon *Demurrer*, by *Nilib dicit* or *Non sum Informatus*, *Cognovit Actionem*; or the like; then the Plaintiff may Suggest upon the Roll, as many Breaches as he shall think fit ; and then a Writ shall Issue to the Sheriff of the County where such Action shall be brought, to Summon a Jury to appear before the Justice or Justices of Assize or *Nisi prius*, at their coming thither, to Inquire of the Truth of every one of those Breaches, and to Assess the Damages severally : And the said Justice or Justices shall make Return thereof to the Court, from whence the same shall Issue ; at the Return thereof, to be Filed, and then Judgment shall be Entred as in Cases of Writs of Inquiry of Damages : And if the Defendant after such Judgment Entred, and before Execution Executed, pay into the Court the Damages and Costs of Sute, then a stay of Execution shall be Entred upon the Record thereof, and made accordingly for that time. And when Execution shall be Sued forth and Executed upon such Judgment ; the Plaintiff his Executors or Administrators, shall be satisfied the Debt and Damages of the Penalty of such Bond or Bill Penal, with Costs of Sute and Charges for Executing the same ; and then the Body, Goods and Lands of the Defendant shall be discharged from such Execution, and the same shall be Entred upon the Roll of the said Judgment ; but if the Damages do not amount to the penalty of such Bond or Bill Penal, such Judgment shall (notwithstanding such Entry on the Roll aforesaid) still remain in force as a further Security to Answer such Damages, as may at any time afterwards be sustained by reason of any further Breach of Covenants (if any such happen and no Satisfaction be made) so far as the remainder of such Penalty will reach ; upon which Breach the Plaintiff may Sue out a *Scire facias* upon the Judgment against such Defendant, his Executors or Administrators, or against his Heirs or Ter-Tenants, grounded upon Suggestion of other Breach or Breaches as aforesaid, and so like Proceedings therein as aforesawed.

II. Provided that upon payment of all such future Damages, Costs and Charges ; or of so much thereof, as the remaining Sum of the Penalty of such Bond or Bill Penal (after payment

of the Damages formerly recovered) will extend unto, together with the Costs of Sute, then all further proceedings on the said Judgment shall again be stayed: And so *Toties Quoties* (as occasion shall require) upon every new Breach, the said Judgment to be made use of as far as aforesaid, and no further; and upon satisfaction as aforesaid, the said Defendant his Body, &c. to be again Discharged out of Execution, as aforesawed.

## Counties.

I. Stat. 3 & 4 P. & M. Cap. 2. The King and Queen (during the Life of the Queen) and Her Heirs and Successors, shall have for ever as in Right of the Crown of *England* and *Ireland*, the Counties of *Leixe*, *Slewmarke*, *Irry*, *Glinmalirye* and *Offaily*, and all Mannors, Lands, &c. of what kinds soever, according to the ancient Limits, Meres and Bounds of the same Countries.

II. The New Fort in *Leixe* for ever hereafter to be called *Mary-borough*, and that the said Countries of *Leixe*, *Slewmarke*, *Irry* and such portion of *Glinmalirye*, as standeth on that side the River *Barrowe*, whereon *Mary-borough* standeth, and all the Mannors, Lands, &c. of the same, to be from the First day of this present Parliament, one Shire or County, and to be called the *Queens County*, and shall for ever from the said day, be Reputed and Taken as a County or Shire, to all purposes. And that there shall be appointed therein, a Sheriff, Coroners, Escheator, Clerk of the Market, and other Officers and Ministers of Justice yearly, as in other Shires or Counties of this Realm, be or should be.

III. The New Fort in *Offaily* to be from henceforth for ever called *Phillipston*; and that the said County of *Offaily*, and such portion of the said *Glinmalirye*, as standeth on that side of the River *Barrowe* whereupon the said *Phillipston* standeth, and all the Mannors, Lands, &c. of the same, to be from the Feast of St. *Michael* the Arch-angel next coming after the First day of this present Parliament, one Shire or County called the *King's County*: And shall from the said Feast be Reputed and Taken as a County or Shire, to all purposes whatsoever; and a Sheriff and other Officers of Justice to be appointed there yearly, as is shewed before in *Queens County*.

IV. A Commission to be made out by the Lord Chancellor, to certain of the Counsel and others, as well for the Setting out and Dividing the Bounds and Limits of the said Two Counties, from other Counties; and for appointing the several Baronies and Hundreds therein; as also the Town and Place where a Goal for each of them shall be; and what Order they shall make therein, and Returned into the Chancery of this Realm, shall be Confirmed and Established for ever.

V. This Act is not to be prejudicial to any Letters Patents granted unto *Gerald Earl of Kildare*, and to his Heirs, by the Queen or her late Brother K. E. 6. of any Honours, Mannors,

## Counties.

Lands, &c. within this Realm; but that he and they may Enjoy the same according to the Tenor of the said Letters Patents, as if this Act had never been made.

VI. A Proviso, that it shall not extend to the Arch-bishop of Dublin, the Bishop of Kildare, the Bishop of Leighlin, or any other Ecclesiastical Persons and their Successors, of any Right which they or their Predecessors have had or Enjoyed within the said County of Leixe and Offaily; but that they and their Successors shall Enjoy the same in as large and ample manner, as they and their Predecessors have done at any time before the making of this Act.

VII. Stat. 3 & 4. P. & M. Cap. 3. The Chancellor of this Realm (after the Prorogation or Dissolution of this Parliament) to Issue out a Commission under the Great Seal of this Realm, to such Commissioners (as by Warrant under the Lord Deputy's Hand and Seal) shall be thought fit, to Survey and Make Inquiry of all the Towns, Villages and Waste-Grounds of this Realm, being no Shire-Grounds; and to Make and Divide by certain Bounds, the same, into as many Counties, Shires and Hundreds, as they think fit; and to certifie the same unto the Lord Deputy, who (if approving thereof) shall under His Hand and Seal, and the Hands and Seals of the Commissioners, Certifie and Return their doings, together with the said Commission before the time therein Limited, into the High Court of Chancery, to remain upon Record; which Certificate so made, shall be of the same Force, as if it were done by Act of Parliament.

VIII. A Proviso, that the King and Queen Her Heirs and Successors, at any time within Seven Years after the End and Dissolution of this Parliament, might Suspend, Repeal and Revoke this Act, and all things done thereby, or any part thereof by Writing under the Great Seal of Ireland, and after Proclamations made thereof, in such and as may Shires as Their Majesties, Her Heirs and Successors should think convenient; and the same thereupon Enrolled in the Rolls of Parliament where this Act shall be Enrolled; then the same to be as effectual to all purposes, as if it had been done by Authority of this Parliament.

IX. Stat. 11. El. Sej. 3. Cap. 9. The Lord Chancellor or Keeper of the Great Seal of this Realm, by Commission under the said Great Seal, to appoint such number of Commissioners as the Lord Deputy, &c. shall think fit (by Warrant under their Hand) to appoint who shall make Inquiry as well of all the Countries, Territories, Cantreds, Towns and Villages of this Realm, being no Shire-ground; as also of those that are in Shire-ground, and doubtful of what Shire they are parcel; and to Divide, Joyn, Add or Sever the same by certain Limits and Bounds as they think fit.

X. And

X. And after such Division made, shall Certifie the same unto the Lord Deputy, &c. who Approving therof, shall under His or Their Hand and Seal, and under the Hands and Seats of the Commissioners, Return the same with the Commission into the Chancery of this Realm, before such Feast or time Limited by the said Commission, which shall be of the same Force, as if it were done by Act of Parliament.

XI. And in every of the said Shires so newly to be Made and Certified, there shall be a Sheriff, Coroners, Escheator, Clerk of the Market, Justices of Peace and of Goal-Delivery, Chief Serjeant and other Officers and Ministers as is Accustomed and Used in other Shires.

XII. This Act shall not Abridge, or take away any part or parcel of the Liberties of Tipperary or Kerry, but that the Lords thereof shall Enjoy the same, according to their several Grants.

XIII. Nor shall this Act be hurtful to the Arch-Bishops of Ardmagh or Dublin or their Successors, or to any other Lords Spiritual or Temporal, Bodies Politick or Corporate, their Heirs and Successors for any Franchises or Liberties Granted unto them by Letters Patents, from the Queen or any of her Progenitors or Predecessors, but they shall enjoy the same according to the Tenors of their Grants.

XIV. Stat. 34. H. 8. Sess. 1. Cap. i. Metb divided into two Shires and Enacted that the Baronies or Hundreds of Duleke, Scryne, Slane, Magallen, Navan, Kenles, and half Barony of Fow-er, next unto Kenles, containing the Parishes of Killalow, Demore, Cloe, Moylagh, Logbern, Oldcafel and Lym, Moysenagh, Deese, Ratbough, and Donboyne, shall be in the County of Metb. And all Mannors, Lands, &c. lying within the Compas and Precinct of the said Baronies or Hundreds, shall stand and be from the Feast of St. Catherine the Virgin, 1542. Reputed and taken within the said County of Metb.

XV. And within the said County shall be Ordained and Deputed a Sheriff, two Coroners, one Escheator and Clerk of the Market, Justices of the Peace and Goal-Delivery, Knights of the Shire and all other Officers and Ministers, according as was had in the said Shire of Metb before the Division thereof, who shall have the same Power within the said Baronies and Hundreds, now by this Act made into the said County of Metb, as the like Officers had within the same Shire before the Division, and in no other Limit or Place within the said whole Shire.

XVI. And Daltons Country to be called the Barony of Rosbecomte, Delamars Country named Moywackry to be called the Barony of Rossaugb, and Tyrrells Country named Fertul-lagh, to be called the Barony of Fertullagh, and Dillons Country named Macbirquicke to be called the Barony of Kilkenny-West, which Barony shall have in the same the Parishes of Kilkenny, Dronnuran, Benowne, Ougbeval, Artemecrane, Alone, and Brawny,

Iwrynn, and a piece of a Country named Moylagagbe, to be Parcel of the other half Barony of Fower, which lyeth on the North-West part thereof, which half Barony shall contain in the same Parish of our Lady-Church, St. Feigbens in the Town of Fower, Kilpatrick, Mayne, Beallagbilla, Lyckbla, Foyeran, and Hilton.

XVII. These Baronies last named, and the Baronies of Delvyn, Moyabell, Magbertyernan, Corkcry, Ferkille and Moygoys, are made Parcel of West-Meth, and all Mannors of Lands, &c. lying within the Precincts thereof, shall (from the Feast aforesaid) stand and be reputed and named the County of West-Meth.

XVIII. And within this County of West-Meth also, shall be Ordained a Sheriff, Knights of the Shire, &c. and all the other Officers as in the other County, as is before shewed §. 15. To have Authority only within the Precincts and Baronies of the County of West-Meth. And the common Goal for the County shall be within the Precinct of the House of the late Fryars of Mullingar, in such Place thereof as the Lord Chancellor, Three Chief Judges, and the Master of the Rolls shall appoint, and Mullingar to be the Shire Town.

XIX. A Clause about the Returning and Serving of Proces then depending, and not returnable before the said Feast of St. Catherine, above-mentioned, and about their present Members of Parliament.

XX. Every of the half Baronies of Fower in all Tryals shall be taken as a whole Barony, That is to say, that Moyety allotted to the Shire of Meth to be taken as an entire Barony, and so of the other Moyety allowed to West-Meth.

#### Court of Wards, &c.

12. Car. 2.  
Cap. 24.  
Engl.

I. Stat. 14, & 15. Car. 2. Sess. 4. Cap. 19. The Court of Wards and Liveries, and all Wardships, Liveries, Primer Seizins, and Ouster le mains, Values and Forfeitures of Marriage, &c. and other Dependances, Arising by Reason thereof, are taken away from the 23 Day of October 1641.

II. All Fines for Alienation, Seisures, &c. and also Aide pur Fils Marier, Et pur faire Fitz Civalier, &c. are also taken away; And all Tenures by Knights Service, and by Soccage in Capite, &c. And all Tenures of any Honours, Mannors, &c. are turned into Free and common Soccage, and freed from all Charges Incident to Knights Service.

Ve. Dyer.  
fol. 44. pl.  
27.

III. All Tenures to be created by the King upon any Gifts or Grants of any Mannors, Lands, &c. of any Estate of Inheritance at the Common Law, shall be adjudged to be in free and common Soccage, and discharged of all Wardship, &c.

IV. A Proviso not to take away any Rents certain Heriots, or Suits of Court, belonging to Tenures now taken away, or in common Soccage, or to grow due to the King or mean Lord, or other private Person, or the Fealty and Distresses incident there-

# Court of Wards, &c.

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thereunto; And that such *Relief* shall continue in respect of such Rents, as is paid in Case of the Death of a Tenant in common *Socage*.

V. Nor is this Act to take away any Fines for *Alienations* due by particular Customs of particular Mannors and Places, other then for Lands held immediately of the King in *Capite* or *Knights Service*.

VI. Nor the taking away any *Tenures* in *Franck-Almoyn*, nor alter any *Tenures* by *Copy* of *Court-Roll*, nor any Service of *Grand-Sergeanty*, other then *Wardships*, *Marriage* and *Value* of *Forfeiture* thereof, *Escuages*, *Voyage Royal*, and other Charge, incident to *Knights Service*, and other then *Aide*, &c. as aforesaid.

VII. Nor to Infringe or Hurt any Title of Honour *Feodal*, or other, by which any may have Right to sit in the Lords House of Parliament, and the Priviledge belonging to them as Peers.

VIII. Whensoever any Person (not being of the Communion of the Church of *England*) shall happen to dye, Seised of any Estate in Lands, for which his Heir or Heirs should have been in Ward (and being under the Age of 21 Years at the Death of such Ancestor) in such Case the Lord Chancellor of *Ireland*, the two Chief Justices of either Bench, and the Lord Chief Baron of the Exchequer, or any Three or more of them (after Inquisition found and Returned into the Chancery of such Death, and of the Heir or Heirs being under Age) may in such manner as they think fit, dispose of the Tuition of such Heir or Heirs, during the time they shall remain under the Age of 21 Years, or any lesser time, to any next of Kin, to the Heir, and to whom the Estate cannot Lawfully descend, such Person being of the Communion of the Church of *Eng-*  
*land*.

IX. And those to whom the Tuition shall be Granted, shall first enter into Recognizance (to the Heirs use) with good Sureties, before the said Lord Chancellor, Two Chief Justices, Chief Baron, Master of the Rolls and Chancellor of the Exchequer or any Three or more of them, with Condition for the Education and bringing up such Heir in the Protestant Religion, according to the Communion of the Church of *England*, and for the Management of their Estates to their use and best Advantage, and for rendring a just Account at their full Age, and for the not committing any Waste thereon. And such Disposition shall be good against all Persons claiming Tuition as Guardians in *Socage* or otherwise. And such Persons to whom such Custody shall be disposed, as aforesaid, may maintain an Action of Ravishment of Ward, or Trespass against any that shall take away or detain such Heirs, for the Recovery of them, and shall recover Damages therein for the use of such Heirs,

X. And

## Cromabo. Butlerabo. Crobn.

X. And such Tutors may take into their Custody (to the Heirs use) the Profits of their Lands and Management of their Personal Estate, till their Age of 21 Years, or lesser time, according to the Disposition, and may bring such Actions as Guardians in common Sottage might do.

XI. And if such Guardian shall dye before he have yielded an Account (Defalcking necessary Charges) then his Heirs, Executors or Administrators shall be Liable, so far as they shall have Assets come to them from the said Guardian or in his Right, at the time of such Demand. And if the said Child or Children should dye before their Age of 21 Years, then their Executors or Administrators, to demand an Account as aforesaid.

XII. A Proviso that 10000 Pounds (to be raised as the Act directs) shall be paid, divided and distributed to Colonel Thomas Pigot Master of the Court of Wards, in this Kingdom, and amongst the rest of the Officers of that Court, Judicial and Ministerial in such manner as the Lord Lieutenant, &c. and Six or more of the Privy Counsel should think fit, to be a full Recompence to them for the several Offices they held in that Court.

XIII. A Proviso that the King should not Account to any (the Tenure of whose Lands are Altered by this Act) for any Profits or Value of Marriage received, nor any other (to whom had been Granted the Wardships of Bodies or Lands) to be liable to Account.

XIV. No Last Will or Testament, whereby any Lands or Tenements have before the making of this Act been Given or Devised, to be of any greater or other Force, than the same would have been, if this Act had not been made.

XV. A Proviso concerning Sir Arthur Chichester Knight, and Dame Jane Chichester, alias Itchingham his Wife. And the two Proviso's concerning Sir Richard Parsons Baronet, stand Repealed by another Act of this same Session of Parliament, which see afterwards in *The Fire-Hearths*. §. 16.

## Cromabo. Butlerabo.

I. Stat. 10. H. 7. Cap. 2. No Persons shall take part with any Lord or Gentleman, or uphold any Variances in Word or Deed, as in using these Words *Cromabo*, *Butlerabo*, or such other Words, but to call only on St. George or the Name of the King.

II. The Offenders herein shall be committed to Prison without Bail, till they have made Fine at the Discretion of the Lord-Deputy and Counsel.

## Crown.

25. H. 8.  
Cap. 22.  
Engl.

I. Stat. 28. H. 8. Cap. 2. The Marriage between the King and the Lady Catherine (his Brother Arthur's Widow) declared

clared to be void; and the Marriage between Him and Queen Anne, to be undoubtedly True; And the Issue to be had between Them, to be His Lawful Children, and to Inherit the Imperial Crown of the Realm of *England*, and the Land of *Ireland*; and the same is Intailed by the said Act, and made Treason for any to Act or Declare any thing to the prejudice of the said Marriage.

II. Stat. 2. El. Cap. 5. The Royal Succession of the Crown of this Realm of *Ireland*, Declared to be Rightfully Vested in the Queen, and the Heirs of Her Body to be Begotten.

III. The Act of the 35. H. 8. Cap. 1. Is Enacted to be the Law of this Realm of *Ireland* for ever, and to be of like Force here as in *England*. By which Act the Crown of *England* is Intailed to the King's Daughter the Lady *Mary*. The Remainder to the Lady *Elizabeth*. The Remainder to such as the King, by his Letters Patents or Last Will in writing, should Limit.

IV. Stat. 11, 12. &c. 13. Jac. 1. Cap. 1. Declared that upon the Decease of Queen *Elizabeth*, the Crown and Kingdom of *Ireland*, and all Prerogatives thereunto belonging, did by Inherent, Birth-Right and Lawful Succession Descend and come to King *James*.

V. Stat. 13. Car. 2. Sess. 1. Cap. 1. Enacted and Declared that Immediately upon the Death of King *Charles* the First, the Kingdom of *Ireland* and all Titles, Stiles and Royalties thereunto belonging, did by Lineal, Descent and Inherent, Birth-Right, Intirely and Absolutely Descend and Come unto King *Charles* the Second. And He Declared to be of the Realms of *England*, *Ireland*, *Scotland* and *France* and all other His Dominions Countries and Territories the most Potent and Mighty King.

VI. Stat. 4. Gul. & Mar. Cap. 1. The Lords Spiritual and Temporal and Commons in Parliament Assembled, in the Name of all the People of this Kingdom, Recognize and Acknowledge, that the Kingdom of *Ireland*, and all the Titles, Rights and Preeminences Royal thereunto belonging, are most Rightfully and Lawfully Vested in King *William* and Queen *Mary*; And they Declared to be King and Queen of *England*, *Ireland*, *Scotland*, and *France*, and the Dominions and Territories thereunto belonging.

## Customers.

I. Stat. 25. H. 6. Cap. 3. None shall take or Levy any Custom of Merchants or other People in the King's High-Way, But within Cities, Burroughs, or other Merchant Towns, where the said Merchandises be Bought and Sold, or brought to be Sold there; that have Authority to Take and Levy such Customs.

II. Offenders therein (being thereof Attainted) shall pay for every penny so Taken or Levied, 20 shillings, Two parts thereof

## 48 Customers. Dammage Clear, &c.

thereof to the King, and the Third part to him from whom the said Custom shall be so Taken.

4. R. 2. 14. Stat. 14. H. 7. Cap. 1. All Acts made in *England* for Punishment of Customers, Controllers and Searchers, for their Misdemeanor in their Office, or for Punishing of any Merchant or Factor, or for the good Ordering of any of the said Persons, shall be put in Execution here as in *England*.  
Cap. 10. 4. 1. 4. Cap. 5. 11. 2. 4. Cap. 6. 3. 11. 6. Cap. 15. 20. H. 6. Cap. 5. Engl.  
L. 3. H.

IV. This Act not to be put in Execution till the Acts of *England* be Proclaimed at *Dublin* and *Drogheda*, and other Market Towns, that the Merchants may have Notice thereof.

V. Stat. 15. H. 7. Cap. 1. The King to have 12 pence for every 20 shillings worth of all manner of Merchandise and Wares Imported hither, or to be Sold and Bought here, and Exported to be Sold beyond the Sea by any Person whatsoever, Wine and Oyl only Excepted.

VI. And none shall bring any Merchandise or Wares aforesaid into this Land and break any Bulk, or bring out of any Ship any Merchandise or Wares, till the same be Entered in the Customers Book, by the Merchant Owner of the same, or his Attorney or Purser of the said Ship, upon pain of Forfeiture thereof, One half to the King, and the other to the Searcher or Finder of the same.

VII. Nor shall any Ship, or put into any Boat or Ship, any Wares or Merchandises to be Exported out of this Land, till they be Entered in the Customers Book of the same Port, in pain of Forfeiture as aforesaid.

VIII. This Act not to prejudice any Free-man of the City of *Dublin* and *Waterford*, nor Town of *Drogheda*, being Free by Birth, Prenticeship, or Marriage, and dwelling within the said Cities and Town.

### Damme, Clear.

17. Car. 2.  
Cap. 6.  
Engl.



Stat. 7. Gul. 3. Sej. 1. Cap. 10. No Damme Clear or Fees called *Damna Clericorum*, shall be taken or received by any Prentice whatsoever, in any of the Courts of *Dublin* or elsewhere within this Kingdom by any Officer of the said Courts, but the same shall be for ever Abolished.

II. And if any Officer of the said Courts take any Money or any thing in Lieu thereof or shall Refuse or Delay to Sign any Judgment, until the same be first paid, he shall Forfeit Treble the sum so taken; to the Party grieved, to be Recovered by Bill, &c. in any of the said Courts, wherein no Essoin, &c. shall be Allowed.

### Small, Debts.

I. Stat. 9. Gul. 3. Sej. 1. Cap. 40. In every County, and County of a City or Town, in this Kingdom, a Register (before

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fore the First day of February 1697.) to be Appointed by the King or by the Lord Lieutenant, &c. who shall be Resident for the most part there, where he shall be Employed, and shall enter into Recognizance of 500 pounds (before some one of the Justices of either Bench or Barons of the Exchequer, or before the Justices of Peace at their next Quarter-Sessions) for the due Execution of his Office; to be filed of Record, in the Exchequer of this Kingdom, some time before the Last day of the Ensuing Term after the Acknowledgment thereof; and every such Register may appoint One or more Deputies to Officiate under him.

II. And every such Register or Deputy, before they take upon them the Execution of the said Office, shall take the following Oath before some one or more Justices of the Peace, of the said County, or Chief Magistrate of such Town, &c. or his Deputy, where such Register shall keep his Office, viz.

I. *A. B. Do Swear, that I will, according to the best of my Skill and Cunning, Duly and Faithfully Execute the Office of Register (or Deputy Register) in this County, according to an Act of Parliament Instituted, An Act for the more Easy and Speedy Securing and Recovery of Small Debts. And I will not Directly, or Indirectly Demand, Take or Receive any manner of Fee, Reward or Gratuity by Reason on Colour of my Office, other than such Fees as are Allowed, by the said Act. So help me God.*

III. And shall then also take the Oaths and Subscribe the Declaration, mentioned in an Act of Parliament made in England, in the third Year of the Reign of His present Majesty and the late Queen Mary, Intituled, *An Act for the Abrogating the Oath of Supremacy in Ireland, and Appointing other Oaths.* Which said Oath of Office and other Oaths and Declaration, the said Justice or Justices, &c. are to Administer. And every such Register or Deputy aforesaid (upon pain of Forfeiture of their Office) shall take and Subscribe the same, at the next Quarter-Sessions, or the next Assizes to be holden for the County, &c. (which shall first happen) in open Court between the Hours of Nine and Twelve the Morning.

IV. After the first Day of February aforesaid, every one having any Bond or Bill under Hand and Seal, for any Sum of Money under 10 Pounds principal Money, which being acknowledged before any Justice of the Peace of this Kingdom, or before the Chief Magistrate, &c. And they certifying the same under their respective Hands and Seals, to the Party Interested in such Securities, and brought to the Register or his Deputy of such County, &c. wherein such Person is a Justice of the Peace or Chief Magistrate or Deputy, such Register shall in a Book (to be kept for that Purpose) make an Entry thereof at Large; and the Receipts and Transfers thereupon Endorsed (if any be) And after such Entry, the Persons who Per-

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## Small Debts.

fected the same, and their Goods and Chattels personal, shall be thereby bound and liable to the said Debt and Interest, from the day of Payment in the like manner, as if the same had been a Judgment at Law.

V. And all such Bonds or Bills as shall be Registered in pursuance of this Act, shall be Printed and Stamped with the King's Arms; And be in Form following, viz.

**K** NOW all Men by these Presents, That of in the County of do acknowledge my self to stand justly Indebted unto in the County of in the full and just Sum of pounds, Sterling, To be paid to the said his Executors and Administrators or Assigas, at or before the day of To the which Payment I bind my self, my Heirs, Executors and Administrators. And in Default of Payment thereof, I do Consent, that Execution shall Issue against my Body, Goods and Chattels, personal. Witness my Hand and Seal, this day of

And if there be two or more bound in the said Bond, the said Printed Bond, shall be Printed and made so as to Comprehend them, and bind them Jointly and Severally.

VI. And every Register shall provide in every Market Town, within their respective Limits, a sufficient quantity of such blank Bonds or Bills for Sale, stamped with the King's Arms and the Name of the County whereof he is Register; and that none expose any to Sale, other than such as shall be so stamped, in pain of 10 pounds every Offence, to such Register; to be recovered by Action of Debt, &c. wherein no Essoyn, &c. shall be allowed, provided that none shall be obliged to pay more than one penny for each of such Bonds or Bills.

VII. And the Words to be used by the Parties transferring of the said Bonds or Bills, shall be these, or to the like Effect.

I, A. B. Do Transfer this Bill to C. D. as Witness my Hand,  
This day of  
Anno Domini.

And in case there be Two or more Obligees, then the said Transfer shall be in their Names, with proper Words to the same Effect, *Mutatis Mutandis.*

VIII. And if any stand indebted by such Bond or Bill, acknowledged, as aforesaid, and entred, &c. and shall refuse to make Payment at the Day, or at any time afterwards, such Creditor making Oath of the Demand, and the Bond or Bill tendered to the Debtor, his Executors or Administrators, at his or their places of abode or Residence, [the said Oath to be made before the Justices of the Peace, at the Quarter Sessions of the County, &c. where the said Bond or Bill is entred, in open Court; between the Hours of 9 and 12 in the Morning] which the Register or his Deputy are to receive

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ceive and Enter at the same Quarter-Sessions, And at any time within one Year after the said Money shall become Due and Payable (upon delivery of the said Bond or Bill) shall Issue out a Warrant of Execution, under his Hand and Seal of Office, Directed to all and every the High Sheriffs, Coroners, Bailiffs, Seneschals, Stewards, and High-Constables of this Kingdom, against the Debtor, his Executors or Administrators, or his or their Goods and Chattels Personal, for the Recovery and Levying of the said Money, together with the Interest which shall then be due, and also for the Costs and Fees.

IX. And no Payment shall be Valid, on Account of such Bonds and Bills, unless the same be Entred, on the Back of them, by the Party Interested therein, at the time of the Entry thereof.

X. And the Sheriffs, Coroners, &c. (who shall have the Execution of the said Warrants) shall, within their Respective Counties and Liberties, Arrest and take the Body of the said Debtor (if the Plaintiff, his Agent or Servant, so desire,) And in Case of such Arrest by any of the Officers aforesaid, (who have not the Custody, of keeping of Prisoners upon Execution, out of the King's Four Courts,) then the Prisoner shall be Delivered to the Plaintiff or his Servant or Agent, to be Conveyed to the Sheriff or other Officer having the Custody of the Goal of the said County where the Arrest shall be (at the Peril of the said Plaintiff) who is to Receive and Keep him in safe Custody, and shall be Chargeable with the said Debtor, in like manner as if taken upon a *Capias ad Satisfacendum*, upon a Judgment at Common-Law.

XI. And the said Sheriffs, Coroners, &c. upon such Warrant of Execution (and Desire as aforesaid) to Seize and Take the Debtor's Goods and Chattels Personal, in Execution, and Appraise the same by the Appraisers of the Parish or Barony where they are taken; and shall give the Debtor (if to be found) the first Refusal thereof. And upon Refusal or Neglect of Payment, for Ten days after such Appraisement, then to be Sold and Delivered to the Plaintiff, his Servant or Agent, at the Appraised value, paying the Overplus (above the said principal Debt, Interest and Costs) to the Party Interested. And the said Sheriff, Coroner, &c. to make Return of their Doings to the Register of the County or his Deputy, who Issued out the said Warrant of Execution, at, or before the next Quarter-Sessions of the Peace, after such Execution Executed, which shall be Read in the open Court, and there Filed, and Kept by the said Register or his Deputy. And in Case the Sheriff, or any other Officer as aforesaid, shall take the Debtor or his Goods or Chattels personal, and Refuse or Neglect to make return thereof in a reasonable time, upon Demand made as aforesaid, then to be liable to an Action

## Small Debts.

upon the Case, at the Suit of the said Plaintiff, his Executors or Administrators, for such Refusal or Neglect, in like manner as if the same had been an Execution Executed on a Judgment at Law, either upon the Body or Goods; and shall pay Treble Costs, in Case Judgment shall pass for the Plaintiff, his Executors or Administrators.

XII. And every Plaintiff (before such Warrant of Execution Executed) to be at his Choice, whether he will have the Debtor's Body or Goods taken by virtue thereof. And the said Sheriff, Coroner, &c. shall pursue the Direction of the Plaintiff, or his Servant or Agent therein. And in Case they Procure the Defendants Body to be taken, then no further Execution on Goods to be during his Imprisonment: Or if Goods be taken, which on Appraisement shall appear to be sufficient to Answer the principal Debt, Interest and Costs; then no Execution to be made on the Defendant's Person.

XIII. And any to whom any Money shall be Due or Owing by such Bond or Bill, upon the Back thereof as aforesawed, may Transfer or Assign (the Money so due with the Interest then Accrued or to Accrue and the Costs) to any other: And the Assignee in such Case, his Executors or Administrators shall have the sole Right in the same, Exclusively of any Right of the Assignor, or his Executors or Administrators, and no Release or Discharge (after such Assignment or Transferring) shall any way Operate to the Prejudice of the Assignee or Transferree, his Executors Administrators or Assigns; But that they may have Warrant of Execution in their own Names, in as Ample manner, as if the said Bond or Bill had been at first made to them; Provided that such, Transferring or Assigning shall not oblige the Person, Goods and Chattels of the Party so Transferring.

XIV. If any Forge or Counterfeit any Justice of the Peace's Hand or Seal, to any such Bond or Bill, or the Hand and Seal of Office of any such Register or his Deputy, to any such Warrant of Execution, or to any Endorsements to be made, Certifying that such Bond or Bill was Registered according to this Act, such Offender (being duly Convicted) shall suffer such Pains and Penalties as a Felon, without Benefit of Clergy.

XV. The Justices of Assize in their several Circuits, and the Justices of Peace at their General Quarter-Sessions, in their Respective Counties, where Complaint shall be made of any Partial or Unfair Practices committed by any Sheriff, Coroner, &c. shall cause the Offender to be thereof Indisted: And if he shall Submit, or a Verdict pass against him, then the Judges of Assizes, or Justices of the Peace, or Major Part of them, shall Impose such Fine (not exceeding 10 pounds) as they think Reasonable, to be Levied within 30 Days after, by Warrant of the said Courts respectively (where the said Complaint shall be made) upon the Offenders Goods without further Appeal.

XVI. But

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XVI. But if the Offender within the said 30 Days make Satisfaction to the Party Grieved, and Procure a Certificate under his Hand and Seal to that Effect, to the Clerk of the Peace or Crown, Respectively Directed (who is to Issue out such Warrant as aforesaid) then they shall stay the same, till the next Assizes or Sessions Respectively, at which time the Judges of Assizes or Justices of the Peace, or Major Part of them, upon Application to them Respectively made in open Court, (the Party Injured being first satisfied and paid, as aforesaid) may Reduce such Fine according to their Discretions.

XVII. And if any taken in Execution by any such Warrant, shall Dye in Execution, the Debt shall not be Discharged thereby, but may be Levyed in manner as aforesaid, upon his Goods and Chattels Personal, where-ever they be found in this Kingdom.

XVIII. The Registers Fee for Entring such Bond or Bill, and certifying the same, to be 6 pence and no more; and for Issuing a Warrant of Execution 12 pence; and for Entring a Discharge of such Bond or Bill 3 pence; and for Entring each Transfer (if desired) 2 pence; and that the Fees of the said Sheriff, Coroner, &c. for Taking the Obligor or his Goods on the said Warrant of Execution, to be 1 shilling, and to the Appraisers 6 pence in the pound; and also to such Officer to whom the Custody of the said Person in Execution shall be Committed, 6 pence in the pound and no more.

XIX. And in Case any shall corruptly take any False Oath, or Suborn or Procure any so to do, for any Matter relating to this Act; the Offender being lawfully Convicted, shall for every such Offence, Incur such Pains and Penalties as are prescribed to be Inflicted on Persons Offending in Cases of Subordination and Perjury, by the Act of the 28. Eliz. made in this Kingdom; Intituled, *An Act concerning Willfull Perjury.*

XX. Every Register or his Deputy, are to deliver to the Clerk of the Peace at every Quarter-Sessions, and to the Justice of the Peace who is Chair-man at such Sessions, a Book fairly Drawn and Signed by such Register or his Deputy; which shall be a true Copy of all Entries made since the former Sessions; in which Books the Clerk of the Peace and Justice of the Peace, shall Enter respectively such Rules, Orders and Proceedings, as shall be made at that Quarter-Sessions; and in open Court shall cause the said Register to Read over his Book, comparing it with the other two Books, and making them all agree; and then shall all three in open Court, Sign their respective Names in each Book; and then the Justices of the Peace shall keep one of them, the Register another, and the Clerk of the Peace the Third; which said Books, or two of them at the least, shall be from Session to Session brought into Court by the respective Persons aforesaid.

Demurrers.

# Demurrers. Disclaimer.

## Demurrers.

**I.** *Stat.* 10. *Car.* 1. *Seff.* 2. *Cap.* 11. After Demurser Joined and Entred in any Sute, in any Court of Record with. 5. *Eng. Ve.* in this Realm, the Judges shall Proceed and give Judgment, ac-  
**27. E. 3.** cording as the very Right of the Cause and Matter in Law  
**50. d. 5. H.** shall appear to them, without regarding any Imperfection, De-  
**7. 1. Plo.** fect or want of Form, in any Writ, Return, Plaintiff, Declara-  
**Com. 85.** tion, or other Pleading, Proces, or course of Proceeding  
**172. 79.** whatsoever, Except those only which the Party Demurring,  
**13. E. 4.7.** shall Specially and Particularly set down, and express together  
**b. Co. Lit.** with this Demurrer. And that no Judgment to be given shall  
**72. a. 304.** be Reversed by any Writ of Error, for any such Imperfection,  
**b. Co. 10.** &c. as aforesaid, Except only such as is before Excepted,  
**Rep. 88. 6.**  
**92. a. Yelv.** 38. *Hob. R.* 233. *Cro. Jac.* 202. *Pl.* 2. 229. *pl.* 5. *Cro. El.* 232.  
**pl. 3. 815.** *pl.* 4. 348. *pl.* 23. *Moor. Rep.* 885. *pl.* 1243. *Sider. Rep.* fo. 215.  
**216. &c.** *Plo. Com.* 66. a.

**II.** After Demurrers Joined and Entred, the Court may Amend all such Imperfections, &c. as abovementioned, other than those only, which the Party Demurring shall Specially and Particularly Express and Set down, with his Demurrer, as is aforesaid.

**III.** This Act shall not Extend to the Proceedings in any Appeal of Felony, or Murder, nor to any Indictment, or Action, or Information, upon Popular or Penal Statutes.

## Disclaimer.

**21. Jac. I.** *I. Stat.* 10. *Car.* 1. *Seff.* 2. *Cap.* 6. In all Actions of Tres-  
**Cap. 16.** päs Quare Clauſum fregit, wherein the Defendant or Defendants shall Disclaim in his or their Plea, to make any Title or  
**Engl. Ve.** Dr. & Stud. Claim to the Lands in which the Trespaſs is by the Declaration  
**pa. 113. Co.** supposed to be done, and the Trespaſs be by Negligence or In-  
**5. Rep. fo.** voluntary, the Defendant or Defendants shall be Admitted to  
**76. Cro.** Plead a Disclaimer, and that the Trespaſs was by Negligence or In-  
**Car. fo.** voluntary, and a Tender or Offer of sufficient Amends,  
**264. Hetl.** for such Trespaſs before the Action brought, whereupon, or  
**Rep. fo.** upon some of which, the Plaintiff or Plaintiffs shall be Enforc-  
**165. 2.** ed to Join Issue; and if the said Issue be found for the Defendant, or Defendants, or the Plaintiff or Plaintiffs, shall be Non-  
**Roll. fo.** Suted, such Plaintiff or Plaintiffs shall be clearly Barred from  
**330. 485.** Brownl. 1. the said Action or Actions, and all other Sutes concerning the  
**Rep. pa.** faſhe.

173.

## Discontinuance of Proces.

**I. E. 6.** *I. Stat.* 10. *Car.* 1. *Seff.* 2. *Cap.* 14. The Death of the  
**Cap. 7.** King, shall not Discontinue any Sute betwixt Party and Party,  
**Engl.** in any of the King's Courts, or Courts of Record, neither  
**Ve. Cro.** shall the Variance between the Original and Judicial Proces,  
**Car. 7. 69.** in

# Discontinuance of Proces. Disseisin. 55

in respect of the King's Name, be Material as concerning any 70. Dyer.  
Default to be Alledged therefore. 165. Co. 7.

Rep. 30. Cro. Car. fol. 10. Huttons Rep. fol. 82. Noyes Rep. fol. 77.

II. All and every *Affize of Novel Disseisin, Affize of Mort  
Dancester, Juris Utrum, and Attaint*, shall not be Discontinued  
by reason of Death, New Commission, Association, or the not  
coming of the Justices of Assize, or any of them.

III. No manner of Proces or Sute, Sued, or had before any *Fitz.Brev.*  
Justices of Assize, Goal-Delivery, Oyer and Terminer, Justice 397, 398.  
of Peace, or other of the King's Commissioners, shall be Dis- 409. 936.  
continued by the Making and Publishing of a New Commission *Bro. Tit.*  
or Association, or by Altering their Names, but that the New *Commiss.*  
Justices of Assize, Goal-Delivery, and of the Peace, and other 11. 24.  
Commissioners, may Proceed in every Behalf, as if the old *Cro. Car.*  
Ones had still Remained and Continued not Altered. *fol. 101.*

## Disseisin.

I. Stat. 10. Car. 1. Seff. 2. Cap. 7. A Disseisor's Dying 32. H. 8.  
Seised of Lands, having no Right or Title therein, shall not Cap. 33.  
be taken for any such Discent in Law as to Toll, or take a- Engl.  
way the Entry of him or his Heirs, who at the time of such Ve.Co.Lit.  
Discent, hath Lawful Title of Entry thereunto: Except such 238. a.  
Disseisor hath had Five Years peaceable Possession, next after 256.a.13.  
such Disseisin by him committed without Entry or Continual Rep. fol.  
Claim made by such Person or Persons as have Lawful Title 506. 2.  
thereunto. Roll. fol.

527. Dyer. fol. 219. Plow. fol. 47. Hubart Rep. fol. 243. Brown 1. Rep.pa.  
132. Dyer. fol. 219. a. pl. 7.

## Distresses.

I. Stat. 15. E. 4. Cap. 1. Whosoever shall take any Distresses contrary to the Common-Law, shall be Adjudged a Felon, Attainted, and his Goods and Chattels, Lands and Tene- ments, Forfeited to the King, unless he, from whom the said Distresses shall be taken, be not Amenable to the Common- Law.

II. Stat. 18. E. 4. Cap. 1. When any Lord takes a Distress, and it is not Released within 8 Days after, then the Lord may call before him, or his Officer, Four Men of the same Lordship, whom he or his Seneschal or his Receiver, shall Swear to Praife the Distress. And if the Owner do not within other 8 Days after such Appraisement, either pay his Arrears, or make Agreement with the Lord or his Officer, then the Lord shall take the Distress at the Praisement for his Rent and Damages.

III. And if the Distress be better than the Rent and Arrear- ages, the Lord shall Restore the Surplusage to the Tenant, and if it be of les Value, then the Tenant to pay the Surplusage, or to be again Distressed.

IV.

## Distresses.

**IV. Stat. 10, & 11. Car. 1. Seff. 3. Cap. 7.** Some Doubts Arising upon the last Recited Statute, whether it Extended unto any but unto very Lord and very Tenant: It is therefore Enacted by this Statute 10, & 11. Car. 1. That all Persons, Bodies Politick and Corporate, and other Persons whatsoever, Seized in Fee-Simple, or in Fee-Tail General or Special, or as Tenant after possibility of Issue Extinct, or as Tenant for Life or Lives, Dower, or by the Curtesy of England or of any other Estate of Free-hold, or shall be Possessed as of an Estate for Years, or Guardian in Soccage, or as Tenant by Elegit, Statute-Merchant, or Statute-Staple, or of any other Estate for Years, or Estate Equivalent thereunto, of any Honours, Lands, &c. whatsoever. And also all Grantees, and other Persons whatsoever, shall and may Distain for their Rents, Customs, Duties and Services, to them Reserved and Payable, (for which it is or shall be Lawful to Distain by the Laws of this Realm) out of any Honours, Lands, &c. And to Impound, Appraise, Sell, Dispose of and Convert to their Use, the said Distresses to be taken as aforesaid, as in Case between very Lord and Tenant should be Lawful by the Statute before mentioned, or by any other Law or Statute whatsoever.

**V. The said Appraisement to be made upon Oath,** by Four or more Honest and Discreet Persons of the Parish where the said Distress shall be taken, in the same manner as hath been done by Four Persons of the Lordship, in Case between very Lord and Tenant, the said Oath to be Administred by the Parties Restraining, or by their Seneschal, Bailiff, or Receiver.

**I, & 2. P.** **VI. Stat. 10. Car. 1. Seff. 2. Cap. 15.** No Distress of Cattel to be Driven out of the Hundred or Barony where the same is taken, except it be to a pound Overt within the said Shire, not above Three Miles distant from the Place where the same is taken, neither shall a Distress be Impounded in several Places, whereby the Owner may be Constrained to Sue severall Rep. 100. Replevins, in pain to Forfeit to the Party Grieved for every pl. 5. 145. Offence Committed against this Act 100 shillings and Treble pl. 62. Dammages.

Dyer fol.

177. b. Plo. Com. fol. 9. b. 18. b. m. 1. H. 6. pl. 9. fo. 3. Fitz. Distresses pl. 4. Ve. Cro. El. 480. pl. 12. Godbolt's Rep. 11. Co. 2. Inst. 106 Raft. Tit. Distresses 11. Fleta Lib. 2 Cap. 40. Moo. Rep. fol. 453. pl. 620. Bro. Cofts. 1. Distress. 32, 33. Dyer fol. 177. 237. Kellowayes Rep. fo. 50. a. Plowd. fo. 18. b. 204 b. Noyes. Rep. fo. 52, 62. Leon. 2. Rep. fo. p. 52. &c.

**VII.** None shall take above 4 pence for the Impounding or Poundage for any whole Distress (and where less is usually taken, to take less) in pain to Forfeit to the Party grieved 5 pounds, over and besides such Monies as he shall take above 4 pence.

**VIII. Every**

## Distresses. Dongarvan. Drapery. 57

VIII. Every Sheriff of a Shire (being no Cities or Towns made Shires) shall at his First County-day, or within Two Months next after he Receives his Patent of Office, Appoint and Proclaim in the Shire-Town, Four Deputies at the least, (Dwelling not above 12 Miles distant one from another) to make Replevins in his Name, for Deliverance of such Distresses, in pain to Forfeit for every Months Default, 5 pounds, one Moyety of the Forfeitures to be to the King, and the other to him that will Sue for the same by Bill, Plaintiff, &c. in any of the King's Courts of Record, wherein no Essoin, &c. shall be Allowed.

IX. Stat. 7. Gul. 3. Sej. 1. Cap. 22. Where the Distress taken shall not be found of the Value of the Arrearages Dis-  
trained for, then the party to whom such Arrearages are due, Engl. 1  
his Executors or Administrators, may, from time to time, Di-  
strain again for the Residue. 17. Car. 2.  
Cap. 7.

X. And it's made Lawful for any (having any Rent Arrear, 2. Gul. 3.  
and due upon any Demise, Lease or Contract) to Seize and Mar. Sej.  
Secure any Sheaves or Cocks of Corn loofe in the Straw, or 1. Cap. 5.  
Hay lying in any Barn or Granary, or upon any Hovel, Stack Engl.  
or Rick, or otherwise upon any Part of the Land or Ground  
Charged with such Rent, and to Lock up, or Distain the  
same, in the place where the same shall be found, in the Na-  
ture of a Distress, until the same shall be Replevied upon good  
Security given to the Sheriff. And in Case such Distress shall  
not be Replevied or Owned, within the space of 8 Days next  
after the taking thereof, the same to be Appraised and Sold  
according to the Laws of this Kingdom.

XI. Provided that the Corn or Hay so Distained, be not  
Removed by the Persons Distaining to the Damage of the  
Owner out of the Place, but be kept there as Impounded un-  
til the same be Replevied or Sold, as aforesaid. And upon a  
Replevin brought for such Distress; if the Plaintiff shall be  
*Non Sute*, either before or after Appearance, or a Verdict pass  
against him, or Judgment be given against him upon *Demurrer*  
for the Avowant, in all such Cases, such Proceedings shall  
be by Inquisition and finding of the Jury at the Bar, upon  
like Suggestion, to be made in the Conuzance or Avowry,  
and like Execution in such Cases to be Awarded, as is Shewed  
hereafter in Tit. *Replevin*.

### Dongarvan.

I. Stat. 34. H. 8. Sej. 2. Cap. 1. The Castle, Mannor and  
Lordship of Dongarvan, with all its Rights, is Granted to the  
King, His Heirs and Successors Kings of England, as United to  
His and Their Crown for ever.

### Drapery.

I. Stat. 17, & 18. Car. 2. Sej. 5. Cap. 15. All Saleable  
and Vendible Cloth, Cloths and half Cloths, and Pieces of  
H Cloths,

Cloths, Kersies, Freezes, Cottons, Ruggs, and all other Cloths called the Old-Drapery, to be made, after the 25th day of June 1666: within this Realm, Offered or put to Sale, Shipped or Imbarked. And also all Saleable and Vendible Bayes, Sayes, Sérges, Fustians, Stuffs, and other Commodities whatsoever, made of Wooll, part of Wooll, Cotton or otherwise, called the New-Drapery, to be made after the said Day within this Realm, Offered, &c. shall be made of the Length, Breath and Weight, herein after mentioned and not otherwise, (That is to say) All Broad Cloths, Mixed and Dyed in Wooll, to be made within this Kingdom, to be in Length berwixt 23 and 25 Yards out of the Mill, and no more, and in Breadth or Size, 6 Quarters and one half of a Quarter, out of the Mill, at the least within the Lists; and in weight, being well Thicked, Scowred, Full'd, Dressed and Dyed, 72 Pounds at the least; And to be all made with narrow Lists. And also all Broad Cloths Woven White, to be of the same Breadth, Length and Size, and in Weight 60 Pounds at the least. And all Kersies of all Sorts, not to exceed 18 Yards in Length, and to be full 3 Quarters and an half out of the Mill in Breadth; and in Weight, being Dyed in the Wooll, 24 Pounds. And White Kersies every Yard to Weigh a Pound. And also all Cottons, and Bandle Cloth, to be in Length 24 Yards of the Piece, and in Breath, being fully Thicked, &c. one full Yard; and also all manner of Bayes not to exceed 44 Yards in Length, nor to be less out of the Mill than a full Yard in Breath; Also all Broad Bayes, called Hundreds or Blew Lists, not to exceed 60 Yards in Length, and to be in Breadth or Size 7 Quarters at the least; also all Sayes and Sérges, to be in Length 24 Yards, and not less than a full Yard in Breadth; Also all Carpettings, Hangings, and Dornix, not to exceed 24 Yards, and Carpettings, and Hangings, to be in Breadth 6 Quarters or 3 Yards, and Dornix 5 Quarters Broad. And all other Stuffs or Commodities, to be made of Wooll, part of Wooll, Cotton-Wooll, or otherwise, called by the several Names of the Old and New-Drapery, not to exceed 24 Yards in Length, and not to be less than a full Yard in Breadth, within the List: And all manner of Caddoes and Ruggs to be a Yard in Breadth, within the List or Selvedge, out of the Loom.

II. An Office from time to time, by Letters Patents under the King's Great Seal, for Years or Life (as the King thinks fit) to be Constituted, and called the King's Alnager, who by himself or his Deputies, shall Measure, View, Try, Weigh, and Search, all the aforesaid Commodities, called the Old and New-Drapery, before they be Offered or put to Sale, Shipped or Imbarked within this Kingdom, whether the same be of the Length, Breadth and Weight, before limitted and appointed, and be made, Wrought and Dressed, without Straining or Stretching by any Instrument, Engine, or Device whatsoever.

III. And

## Drapery.

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III. And the said Alnager or his Deputies, and every of them, shall and may, upon Measuring, Viewing, Trying, Searching and Weighing of the said Cloths, &c. (in case the same be found to be good and Merchantable Wares) Seal and Mark the same with a Seal, to be Allowed by the Lord Treasurer of this Realm, or Chancellor of the Exchequer. And in case they be not found to be Merchantable Ware, but deceitfully Wrought, then to Cut or Jagg the same at both Ends thereof, to Note the Defect, without any Seal or Mark to be put to the same, to the Intent that none be deceived thereby.

IV. And the Alnager or his Deputies, shall take and receive for the King's Use, for the Subsidy and Alnage of all and every the said Cloths, &c. as well Sealed as Jagged; And for all Knit Stockings, Fringes, Cruels, Lace, Boulting, Swadling-Bands, or Bridling, to be made as aforesaid, of Wooll, Cotton-Wooll, or otherwise, and to be put to Sale within the Kingdom, such Sums of Money as are hereafter mentioned; (That is to say) for every Broad-Cloath 4 pence *Sterling* for the Subsidy thereof; and for the Alnager's Fee for Sealing the same, one half penny *Sterling*; and for every half Cloth, 2 pence *Sterling* Subsidy, and one farthing Sealing; and so Rateably for every kind of Cloth, &c. and other Draperies and Commodities aforesaid, called the Old-Drapery, according to the several Lengths of the same. And for every Piece of Say, &c. and other the Commodities aforesaid, called the New-Drapery, for every 4 pounds weight thereof one farthing *Sterling* for the Subsidy, and so Rateably for every lesser Proportion of the same, according to the several weights thereof; and one farthing *Sterling* for Sealing and Jagging every 4 pounds weight thereof and so Rateably. And for Measuring, Searching, &c. of every Broad-Cloth, &c. and other Drapery containing in Length 23 and 25 Yards, 2 pence *Sterling* for the Alnager's Fee, and so Rateably for every piece of like Cloths, Kersies, &c. and all other the like Draperies and Commodities aforesaid, according to the Number of the Yards and Quantities they shall contain.

V. And whatsoever Clothier, Maker, or Worker, of any of the Commodities aforesaid, or any other, that shall at any time or times after the Day aforesaid, Set or offer to put to Sale, Ship or Imbark any of them, before they shall be first Viewed, &c. by the said Alnager or his Deputy, and Allowed and Sealed (in such manner as by this Act is Appointed) to be good and Merchantable, and have paid the Subsidy, and Alnager and Searcher's Fee: That then every such Clothier, &c. or any Offering or Setting to Sale, or Shiping, or Imbarking them, shall Forfeit the same to the King, to be Recovered as in this Act is Directed.

VI. If the Alnager or his Deputies, shall not Duly Execute the said Office in the due Measuring, &c. of any the aforesaid

## Drapery.

Saleable and Vendible Cloths, &c. called, the Old and New-Drapery, or if they be Negligent or Remiss, or otherwise offend in their Office, they shall Forfeit to the King (being duly Convicted thereof) 10 pounds *Sterling* for the First Offence, 20 pounds for the Second Offence, 30 pounds for the Third Offence; and so for each Offence of that kind of which they are found Guilty, shall be Fined severally and respectively, in manner aforesaid. The Conviction and Recovery of the said Forfeiture, to be by Indictment, Presentment, or Information, in any of the King's Courts of Law in *Dublin*, or before the Justices of Assize, or Justices of the Peace at their Quarter-Sessions, Severally and Respectively from time to time, where such Offence shall happen to be Committed, wherein no Wager of Law, &c. shall be Admitted.

VII. Every Clothier, and other Person, which shall make any Cloths, &c. or other Commodities (called the Old or New-Drapery) within this Kingdom for Sale, before they shall Sell, or put to Sale, Ship or Imbark the same, or any part thereof, in any City, Burrough, Town, Village, or Place whatsoever, within this laid Kingdom, shall Weave their Mark into the Head End of them, in pain of Forfeiture of the same.

VIII. Provided that neither the Alnager nor his Deputies shall either Search, &c. or Seal any of the aforesaid Cloths, Stuffs or Commodities aforesaid, made by any for their own Use, or for the Use of their Families, nor Sent, Offered, or put to Sale, or Shipped, or Imbarked within this Kingdom, nor shall Receive or Require any thing for the same, in pain of 5 pounds to the King (being Convicted of the said Offence, as by this Act is Declared.)

IX. The Alnager or his Deputies, shall at all times Appoint convenient Places, in every City, Burrough, Town Corporate, Market Town, and other convenient Place within this Kingdom; for the Measuring, Searching, &c. all such Cloths, &c. called the Old and New-Drapery, so that every one who shall have any to be Measured, Searched, &c. may know where to have them Perfected and Done, and may not be drawn to Travel above Six Miles from their several Abodes, for the Perfection thereof. And the said Alnager, may from time to time Appoint in every of the Counties, Cities, &c. so many Deputies (as well for the Measuring, Searching, &c. of all such Cloths, &c. as are herein Authorized to be Measured Searched, &c. and also for the Collecting of the said Subsidy and Alnage to the King) as he shall think convenient; and likewise to Perform whatsoever, shall be Necessary or Lawful to be done therein by the said Alnager:

X. And the said Alnager and his Deputies, may at all times, Search in all Ships, Barks, &c. Fairs and Markets of *Ireland*, as often as Occasion shall require, and in the Day time, with the Constable or other Officer of the Parish, to Enter into, and Search

Search all and singular Houses, Ware-Houses, Shops, or Cellars, of any Person or Persons whatsoever within this Kingdom, as well within Liberties as without, where any such Cloths, or any other of the Commodities aforesaid shall be supposed to be, and the same to stay until the Owners thereof, have Answered his or their Contempt therein. And if any shall Resist, or Deny any Search or Searches to be made as aforesaid, the Offenders (being Convict thereof in manner aforesaid) shall Incur such Penalty as the Justices (before whom the Conviction shall be) shall think fit to Impose, not Exceeding 10 pounds.

XI. All Persons Pressing any sort of Woollen-Cloths, with any hot Press, or with any other like Subtil and Deceitful means, shall Forfeit the same.

XII. No Searcher or Waiter of, or at any Port, within this Realm, shall, at any time knowingly, suffer any of the aforesaid Cloths, &c. called the Old and New-Drapery, to be Carried into any Ship, Bark, &c. within this Kingdom, unless the same be Marked and Sealed by the Alnager or his Deputies, with the Seal or Mark thereunto Ordained, upon pain of Forfeiture of their Office, and Imprisonment by the space of 6 Months without Bail, being duly Convict thereof in manner as aforesaid.

XIII. All Mayors, Sheriffs, Bailiffs, Justices of Peace, Headboroughs, Constables, and all other the King's Officers, Ministers and Subjects, are to be Aiding and Assisting unto the Alnager, and his Deputies by all Lawful means whatsoever, for the due Execution of the aforesaid Offices, as they will Answer the Contrary at their Perils.

XIV. And if any do at any time (after the 25th Day of June 1666.) Counterfeit, or Set to, or take away (from any the Cloths and other Commodities herein called the Old and New-Drapery) the Alnager's Seal, Appointed to be Fixed to all such Commodities by this Act: The Offender (being duly Convict thereof in such manner as is herein Appointed) shall Forfeit for every such Offence, as often as they shall be Convict thereof in manner aforesaid, the Sum of 10 pounds Sterling for every such Offence; the same to be Recovered to the King's Use in manner aforesaid.

## Dublin-Castle.

I. Stat. 2. E. 4. Cap. 1. Out of the Profits of the Hamper of the Chancery, the King's Chief-Place and Common-Pleas in Ireland shall be paid yearly (to the Clerk of the Works of the Castle of Dublin) 40 shillings for each of them, and 3 pounds out of the Issues and Profits of the Exchequer, and 20 shillings out of the Profits of the Masters of the Mint for the time being, for which the said Clerk shall Account yearly before the Barons of the Exchequer in Ireland.

II. And

# Duncannon. Education.

II. And the Leads of the Isles of the Hall of the said Castle, to be Sold by the Treasurer of Ireland, for the Repair of the said Hall.

## Duncannon.

14. &c. 15. I. Stat. 10. Gul. 3. Sess. 2. Cap. 15. By a Clause in the Act Cap. 2. Sess. for the better Execution of His Majesty's Gracious Declaration. 4. Cap. 2. on, for the Settlement of His Majesty's Kingdom of Ireland, &c. The Commissioners for putting in Execution the said Act, were to Set out so much Forfeited Lands, as Amounted to the Clear yearly Value of 300 pounds per Annum, nearest Adjacent and most Contiguous to the Fort of Duncannon, for the better Maintenance of the said Port: And the Commissioners in Pursuance thereof, Setting out several Lands for that purpose. His Late Majesty Cap. 2. by His Letters Patents, Granted the same to Richard Earl of Arran and other 4 Trustees, and the Heirs of the Survivor of them, in Trust for the uses aforesaid. And the said Earl of Arran, Surviving all the other Patentees, became Seized of the said Lands by Survivorship to the Uses aforesaid, after whose Decease, the same Descending upon the Lady Charlotte Butler his only Daughter and Heiress, and through her Minority, and usual Residence in England, the said Trust cannot (as this Parliament takes Notice) be Performed as the Publick Service requires; And thereby the said Fort cannot be Supported and Repaired, nor the Estate Managed to the best Advantage, to Answer the Ends aforesaid.

II. It is therefore Enacted by this Stat. 10. Gul. 3. That the said Lands, and all the Estate and Right, in and to the same, which Descended to the said Lady Charlotte Butler, Daughter and Heiress to the said Richard Earl of Arran, shall be and are Vested, and Adjudged to be Vested, in Philip Savage, Esq; Thomas Brodrick, Esq; Colonel William Ponsonby, Sir John Mason, and Allan Brodrick, their Heirs and Assigns, in the same manner to all Intents, as the same before the passing this Act, were in the said Lady Charlotte Butler. And that they, their Heirs and Assigns, shall Stand and be Seized thereof to the same Trusts, as she Stood Seized thereof after the Decease of her said Father; and to no other Use or Trust whatsoever.

III. The Possession, Estate and Right whatsoever, either in Law or Equity, of all Others, is saved by this Act.

## Education.

3. Cap. 1.  
Cap. 2.  
Engl.

I. STAT. 7. Gul. 3. Sess. 1. Cap. 4. If any of the King's Subjects of this Realm, at any time after this Session of Parliament, shall Pass or Go, or shall Convey or Send any Child or other Person, into any Parts beyond the Seas, out of the King's Obedience, to the Intent to Enter into, or be Resident, or Trained up, in any Priory,

Priory, Abby, Nunhery, Popish University, Colledge or School, or Houfe of Jesuits or Priests, or in any Popish private Family there, and shall be by any Popish Person Instructed, Perswaded, or Strengthned in the Popish Religion, in any sort to Profess the same, or shall Send or Convey any Money or other thing, towards the Maintenance of any Child or other Person already Sent, or that shall hereafter Go or be Sent, to be Trained up and Instructed as aforesaid; or (under the Name or Colour of Charity) towards the Relief of any Religious Houses whatsoever: Every such Offender, being thereof Lawfully Convicted (in manner hereafter mentioned) or upon any Information, Presentment, or Indictment for any the Offences aforesaid, to be found by a Jury of the County, City, or Town Corporate, where such Offender shall have any Estate of Inheritance at the time of the Offence Committed, shall be for ever (after such Finding) Disabled to Sue or Prosecute any Action, Bill, Plaintiff or Information in Course of Law, or to Sue in any Court of Equity, or to be Guardian, or Executor, or Administrator to any Person, or Capable of any Legacy, or Deed of Gift, or to bear any Office within this Realm; and shall Forfeit all their Goods and Chattels, and also all their Lands, Tenements and Hereditaments, Rents, Annuities, Offices and Estate of Freehold during their Natural Lives.

II. Upon Information given to any Justice of the Peace, of any of the said Offences, he may within the Limits of his Jurisdiction forthwith cause to be brought before him, all such Persons Suspected or Charged to have Offended therein, and may Examine them upon Oath, and also any other Persons and Witnesses upon Oath, concerning the same; And if upon such Examination the Offence Appear Probable to him, then to Bind such Suspected Persons with sufficient Sureties, and the Persons which he thinks fit to give Evidence, and the said Informers, in 200 pounds Recognizances, or such greater Sum (as he thinks reasonable) with Condition to Appear at the next Quarter-Sessions of the Peace for the County where the Offence is supposed to be Committed, or the Offenders did last Reside or were taken; And at the first Sitting of the Sessions, shall Return the said Examinations and Recognizances, unto the Clerk of the Peace in open Court, who shall cause an Information to be Framed against such Offenders, and they shall Answer instantly thereunto, and Proceed to Tryal thereon: And if upon such Tryal, the Offence Appear to the Court by Proof, then the Offenders must prove where such Child or other Person (so by them Sent) is, and also to what Intent such Sums of Money or other Thing were Sent by them beyond the Seas, and in case any such thing shall be done after the time herein Limited, it shall be taken to be done contrary to this Act, unless the Parties denying the same, shall Prove the Contrary: Or if upon Failure thereof, or otherwise upon Examinations,

## Education.

nations, it shall Appear to the Court of Sessions, that such Offence hath been Committed contrary to this Act (the same being Entred upon Record) shall be a Conviction as well of the Persons so Sent, as of the Parties so Sending. And every of them shall Incur all the Penalties and Disabilities before mentioned, one Moyety of the Forfeitures to the King, and the other to them that shall Sue for the same in any Court of Record, by any Action, Bill, &c. wherein no Essoin, &c. shall be Allowed.

III. Provided that the Parties Grieved by such Judgment at the Quarter-Sessions, may Appeal to the Justices of Assize of the said County at the next Assizes to be held for the same, who in the same Assizes, may cause the said Proceedings to be brought before them, and there to Review and Examine the same by such ways as they think Convenient, and to Reverse, Alter or Confirm the same, as to Justice shall Appertain; and the Officers in whose Custody or Power such Proceedings and Conviction shall be, at the time of such Inquiry, shall obey the said Judge or Judges of Assize therein.

IV. And if any Person be Convicted of being sent beyond the Seas, contrary to this Act, by the Conviction of the Person Sending or Conveying him, such Person, upon his Return into this Kingdom, shall, at any time within 12 Months after, or within 12 Months after attaining the Age of one and Twenty Years, upon Prayer, by Motion to the King's Bench in this Kingdom, be Admitted to his Tryal, and the Judges of the said Court, upon such Prayer, shall cause an Information to be Exhibited against him, to which he shall Plead; and the Court shall Proceed to Tryal thereupon by a Jury of the Country where the said Court shall then Sit, and the Defendant at the Tryal, shall be obliged to Prove to what Intent he was Sent or Conveyed beyond the Seas, and unless he make it Appear, that he was not Sent or Conveyed contrary to this Act, it shall be taken for Granted that he was Sent to the contrary, as though the same had been fully Proved. And in case, upon Tryal, the Party shall be Acquitted, then he shall be Discharged of all the Disabilities, Penalties and Forfeitures in this Act, Except his Goods and Chattels, and the Profits of his Lands Received before such Acquittal.

V. And every such Person Sent or Conveyed as aforesaid, that shall within 6 Months after his Return into this Kingdom, in the Chancery or King's-Bench in the Term time, between the Hours of Eight and Twelve in the Morning, take the Oaths, and Repeat and Subscribe the Declaration Mentioned and Appointed in, and by one Act lately made in the Parliament of England and Intituled, *An Act for the Abrogating the Oath of Supremacy in Ireland, and Appointing of other Oaths*, shall from thenceforth be Discharged of all the Disabilities aforesaid; and shall from such time, be Restored to the Receipt of the Future

# Education. Election of Lord Lieut.

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Future growing Rents and Profits of his said Real Estate only; but shall nevertheless lose all those past, and all his Personal Estate.

VI. And if after taking the said Oaths, and Making, Repeating, and Subscribing the said Declaration, such Person shall Profess himself of the Popish Religion, and Refuse to take the Oaths and Subscribe as aforesaid, when the same shall be Tendered to him by the Justices of Peace in their General Quarter-Sessions of the Peace for the County or Place where such Rouser Resides, (which the said Justices are Required to Tender, to all whom they shall Suspect to have Relapsed) or shall upon due Summons, Refuse to Appear at such Quarter-Sessions, for the Purpose aforesaid, then in every such Case, the Offender shall Incur and Suffer all the Disabilities and Penalties herein before Contained, as if he had never taken the said Oaths, or Repeated and Subscribed the said Declaration.

VII. All Offences against this Act, may be Inquired into, Heard and Determined, before the Justices of the King's-Bench, or Justices of Assizes, or Goal-Delivery, or of Oyer and Terminer of such Counties where the Offenders did last Dwell and Abide, or where they Departed or were Sent out of the Kingdom, or where they shall be Taken or Apprehended.

VIII. Provided if any Person shall upon his Tryal before the Justices of the Peace, at the General Quarter-Sessions, be Acquitted by the said Court, of any Offence against this Act, or by the Judges of Assize upon Appeal made to them, or by the Jury upon any Indictment, Presentment, or Information, Prosecuted against him, for any Offence contrary to this Act, such Person so Acquitted, shall not (after such Acquittal) be liable to be Prosecuted upon this Act in any other manner for the same Offence.

IX. The Justices of the King's-Bench, each Term, the Judges of the Assizes in their Circuits, and the Justices of Peace in their General Quarter-Sessions of the Peace, are Required to give this, and the Statutes of the 28. H. 8. Cap. 15: and 12. Eliz. Ch. 1. (which see in *Title English Language, and Title School-Masters and Schools*) in Charge from time to time to the several Grand-Juries to be then Impanelled and Charged, and are to be very Circumspect in seeing the same be put in Execution.

## Election of Lord Lieutenant, &c.

I. Stat. 33. H. 8. Sess. 2. Cap. 2. Immediately upon the Avoidance of the King's Lieutenant, Deputy, or Justice of this Realm (by Death, Surrender of their Letters Patents or Office, Departure out of this Realm, or any other Cause) the Chancellor of this Realm, or Keeper of the Great Seal, shall by the King's Writ call together (at such Place as they think convenient)

## English Language.

convenient) the Privy Counsellors Inhabiting in the Shires of **Dublin, Meath, Louth, Kildare, Kilkenny, Tipperary, Wexford, Cork, Kerry and Limerick**, and such of them as Assemble together, shall chuse an English-Man, born within the Realm of **England** (being no Spiritual Person) to be Justice and Governor of the Realm; if at that time there be within this Realm any such fit Person for that Office, (and if not) then to chuse Two such Persons of the Council (by Majority of Votes) being of English Blood and Surname, and no Spiritual Man, as they think fit to be Justices and Governors of the Realm, during the King's Pleasure.

II. Upon which Election, the Chancellor or Keeper of the Great Seal of this Realm, shall make Letters Patents under the Great Seal of **Ireland** to the Person or Persons so Elected, who (after he or they be Solemnly Sworn according to the Ancient Usage of this Realm) shall Use and Enjoy like Authority and Dignity, in every Respect, as the preceeding Lieutenant, or Deputy there, next before him Lawfully had and used to have, and Enjoy the said Office, till such time as the King does Admit and Authorise one to be his Lieutenant, Justice, Deputy or Governor of this Realm; and such new Lieutenant, &c. do take and receive his Oath, as hath been afore Accustomed, or the King's further Pleasure therein made known by Writing.

III. All other Statutes, Prescriptions, and Usages of the Election of Justice, or Governor of this Realm, after any such Avoidance, and of any Authority given or prescribed unto him or them, at any time before the First day of this present Parliament (other than by the King's Letters Patents) to be clearly Void.

## English Language.

I. Stat. 28. H. 8. Cap. 15. Every Subject of the King Inhabiting in this Land, shall to the uttermost of their Power and Knowledge, Use and Speak commonly the English Language, and shall Endeavour themselves to Procure their Children (if they have any) to Speak the same, and according to their Abilities, shall bring them up in such Places, where they shall have occasion to Learn the same Language.

II. Upon pain that every Lord Spiritual and Temporal Offending herein, shall Forfeit for every Offence 6 pounds 13 shillings 4 pence; every Knight and Esquire 3 pounds 6 shilling 8 pence; every Gentleman and Merchant, 40 shillings; every Free-holder and Yeoman 20 shillings; every Husbandman, 10 shillings; and every other of the King's Subjects within this Land, 3 shillings 4 pence; one half to the King, and the other to the Party that will Sue for the same by Action of Debt, &c. in any of the King's Courts, wherein no Estoin, &c. shall be Allowed.

III. If

III. If any Spiritual Promotion within this Land (Chargeable with the Payment of First-Fruits to the King) at any time become Void, such as have Title to Nominate, &c. shall Nominate, &c. to the same, such a Person as can Speak English, and none other; unless there be no Person that can Speak English will accept it; and if the Patron cannot upon Inquiry (within Three Months after such Avoidance) get any such Person that can speak English, to accept the same, then he shall cause 4 Proclamations to be openly made, at 4 several Market days, in the next Market Town Adjoining to the said Spiritual Promotion; That if any fit Person that can speak English, will come and take the same, he shall have it; and if none come, within 5 Weeks of the first Proclamation, to take the same, then the Patron may Present, &c. any Honest, Able Person, albeit he cannot speak English.

IV. And if any Patron do Nominate, &c. one that cannot speak English, contrary to the Form afore Recited, and being Lawfully Convicted thereof, upon Inquiry or Presentation, before any of the King's Judges, then such Nomination, &c. shall be void, and the King shall Nominate, Present, and give the same to any Person that can speak English, and no other: And if the King be Interrupted, he shall have a Quare Impedit against the Disturber, and Recover the Presentation thereof for that time in like Form as he should have done for any other Presentation of his own Patronage; and if the King present any Person that cannot speak English, then the same shall be void, and the Patron's former Gift to stand in Force.

V. Such Presentation of the King, shall not Prejudice those who at that time had Right to the same, but that they may (upon the next Avoidance) Nominate or Give &c. the same as though no such Nomination, &c. had been had by the King.

VI. And every Arch-Bishop, Bishop, Suffragan, and every other, having Power to give Order of Priesthood, Deacon, or Sub-deacon, shall at the time of giving such Orders, give a Corporal Oath that he so taking Order as aforesaid, shall to the uttermost of his Power, endeavour himself to Learn the English Tongue and Language, and use the English Order and Fashions (if he may Learn and attain the same by Possibility) in the Place where his Cure or Dwelling shall be, and shall Move and Teach all others being under his Governance, to perform the same: And every such Arch-Bishop, &c. having Power to Admit, &c. any Person to any Spiritual Promotion, shall, at the time thereof, give unto the Person so Admitted, &c. a Corporal Oath, that he shall to his Wit and Cunning, Endeavour himself to Learn and Teach the English Tongue, to all under his Cure or Governance, and shall forbid the Beads, and Preach the Word of God in English (if he can Preach;) and for his own part shall use the English Order

and Habit, and Move as many as he can to the same, and shall keep and cause to be kept, within the Place or Parish where he shall be Promoted, a School to Learn English, if any Children of his Parish come to him to Learn the same, taking for his Salary (for keeping the same) as the Custom of the Country is.

VII. Every Arch-Bishop, Bishop, &c. having Power to give Orders, or to Admit, &c. Offending herein contrary to the Rules aforesaid, shall Forfeit for every time, 3 pounds 6 shillings 8 pence; one Moyety to the King, and the other to that Person that will Sue for the same as aforesaid.

VIII. And every Person promoted to any Spiritual Promotion, that does not observe the Effect of the said Oath, shall (upon Conviction thereof as aforesaid) Forfeit for the First time 6 shillings 8 pence, for the Second time 20 shillings, and for the Third all such Spiritual Promotion; and the Patron may Present or Give the same to any other sufficient and able Person, in like Manner and Form as if the Incumbent were Dead.

IX. This Act shall not Prejudice any Beneficed within this Land, that are bound to keep Residence in any Metropolitan Cathedral, or Collegiate Church, nor being a Student in any University, or in the King's Service, or out of the Land by the King's Commandment; but that those who Officiate under them, shall, during their Absence, Teach the English Tongue, and keep a School, as the Act directs, upon pain that every such Parish-Priest, for every Year he Omits the same, shall Forfeit 20 shillings.

X. This Act to take no Effect, until it be openly Proclaimed in due Form.

### Err<sup>o</sup>r.

31. El.  
Cap. 1.  
Engl.  
& 16. Car.  
2. Cap. 2.  
Engl.

I. Stat. 15. Car. 1. Cap. 5. The not coming of the Lord Chancellor, and Lord Treasurer at the Day of Adjournment in any Sute of Error Depending in the Exchequer-Chamber (by Force of the Stat. 31. E. 3 Stat. 1. Cap. 13.) shall not be any Discontinuance of the Writ of Error, but if both the Chief Justices of either Bench, or any one of the Great Officers, the Lord Chancellor or Lord Treasurer, or the Vice-Treasurer be there, at the Day of Adjournment in such Sute of Error, it shall be no Discontinuance, but the Sute shall Proceed, as if both the Lord Chancellor, and Treasurer had come; and Judgment shall, and may be given by the Lord Chancellor, or Lord Treasurer, or Vice-Treasurer (in his Absence) and in the Presence and by the Advice of both the Chief Justices in every such Sute or Writ of Error, and the same shall be good in the Law.

16, & 17.  
Car. 2. Cap.  
8. Engl.

II. Stat. 17, & 18. Car. 2. Sess. 5. Cap. 12. After the First day of May 1666. no Execution shall be Stayed in any Courts of

of Record at Dublin, or of the County Palatine of Tipperary, by 3. *Fac. 1.*  
*Cap. 8.*  
 Writ of Error, or *Supersedeas* thereupon, after Verdict and  
 Judgment thereupon, in any Action Personal whatsoever,  
 unless a *Recognizance* with Condition, according to the Statute  
 10. *Car. 1. Sess. 3. Cap. 8.* shall be first Acknowledged in the  
 Court, where such Judgment shall be given. And that in  
 Writs of *Error* to be brought upon any Judgment after Verdict  
 in any Writ of *Dower*, or in any Action of *Ejectione Firme*,  
 no Execution shall be thereupon Staid, unless the Plaintiff, in  
 such Writ of *Error*, shall be Bound to the Plaintiff in such Writ  
 of *Dower*, or *Ejectione Firme*, in such reasonable Sum as the  
 Court (to which such Writ of *Error* shall be Directed) shall  
 think fit, with Condition, that if the Judgment shall be Affirmed  
 in the said Writ of *Error*, or that the same be Discontinued  
 in Default of the Plaintiff therein, or that the said Plaintiff  
 be Non-Suite in such Writs, that then the said Plaintiff  
 shall pay such Costs and Damages, as shall be Awarded after  
 such Judgment Affirmed, Discontinuance, or Non-Suite had.  
*Fac. fol. 402.*

*Vide postea*  
*Tit. Exec-*  
*ution s. 2.*  
*Bulst. Rep.*  
*2. part. fo.*  
*53. 284. 1.*  
*Roll. fol.*  
*329. 392.*  
*2. Roll. fol.*  
*140. Hob.*  
*Rep. fol.*  
*265. Moo.*  
*Rep. fol.*  
*653. pl.*  
*1165. Cro.*

III. And the Court wherein such Execution ought to be Granted, upon such Affirmation, Discontinuance, or Non-Suite, shall Issue a Writ to Inquire, as well of the mean Profits, as of the Damages, by any Waste committed after the First Judgment in *Dower* or in *Ejectione Firme*; and upon the Return thereof, Judgment shall be given and Execution Awarded for the same, and also for Costs of Suite.

IV. Provided this Act shall not Extend to any Writ of *Error* to be brought by any Executor or Administrator, nor unto any Action Popular, nor unto any other Action which shall be brought upon any Penal Law, or Statute, nor to any Indictment, Presentment, Inquisition, Information, or Appeal.

V. This Act being but to continue in Force for Three 17. *Car. 2.*  
 Years, and to the end of the next Session of Parliament after *Cap. 8.*  
 the Expiration of the said Three Years and no longer. It is Engl.  
 by the *Stat. 7. Gul. 3. Cap. 7.* Revived and made Perpetual.

VI. *Stat. 7. Gul. 3. Sess. 1. Cap. 7.* In all Actions Real, Personal, or Mixt, the Death of either Party between the Verdict and the Judgment, shall not be Alledged for *Error*, so as Judgment be Entred within Two Terms after.

VII. *Stat. 7. Gul. 3. Sess. 1. Cap. 25.* In all Actions of Debt, and other Personal Actions whatsoever; and also in Actions of *Ejectione Firme* for Lands and Tenements, which shall be Depending in the Courts of King's-Bench, or Common-Pleas after any Issue thereupon Joined to be Tryed by a Jury, and also after Judgment to be had therein, there shall not need to be Fifteen Days between the Teste and Day of Return of any Writ or Writs of *Venire facias*, *Habeas Corpora Jurator*, or *Distingas Jurator*. Writs of *Fieri facias*, or Writs of *Capias ad Satisfaciendum*, and that the want thereof shall be no cause of *Error*.

VIII But

## 70 Error. Escheators. Estates at Will.

VIII. But this Act shall not extend to any Writ of *Capias ad Satisfaciendum* whereon a Writ of *Exigent* after Judgment is to be Awarded, nor to a *Capias ad Satisfaciendum* against the Defendant, in Order to make any Bail liable, but the same to continue as if this Act had never been made.

13. Car. 2. IX. Enacted that the Statute of the 10th Car. 1. made for Avoiding unnecessary Delays of Execution (which see in Tit. *Execution* s. 2.) to be of Force in this Kingdom: And further, that no Execution be Stayed in any of the King's Four Courts, or in the County Palatine of *Tipperary*, by any Writ of *Error* or *Superfedeas* thereupon after Verdict and Judgment thereupon Obtained in any Action of Debt, or in any Action upon the Case, upon any Promise for the Payment of Money, Actions *Sur Trover*, Actions of Covenant, Detinue and Trespass, unless such *Recognizance*, and in such manner as by the said Recited former Act is Directed, shall be first acknowledged in the Court where such Judgment is given.

X. But this Act is not to extend to any Action Popular, nor unto any other Action, which shall be brought upon any Penal Law, nor to any Indictment, Presentment, Inquisition, Information, or Appeal.

### Escheators.

I. Stat. 33. H. 6. Cap. 4. All Statutes made before this time against Escheators to be of Force, and as Penal against Commissioners as against Escheators, for any thing done by Commissioners since the making of the Statute at *Dublin*, before *Edward Fitz Eustace* the Deputy Lieutenant of *Ireland*, against Escheators, or hereafter to be done by any manner of Commissioner.

II. Provided that the said Penalty shall not extend to the Justices of the one Bench and the other, the Barons of the Exchequer, and the Sergeant and Attorney of the King.

### Estates at Will.

29. Car. 2. I. Stat. 7. Gul. 3. Sejj. 1. Cap. 12. After the Feast-Day of the Nativity of St. John the Baptist 1696: All Leafes, Estates, Interests, Freeholds, or Terms of Years, or any uncertain Interest, out of any Messuages, Mannors, Lands, Tenements, or Hereditaments, made and created by Livery of Seisin only, or by Parol, and not put in Writing, and Signed by the Parties, or their Agents shall have the Force of Leafes at Will only, except, nevertheless, all Leafes not exceeding the Term of Three Years, whereupon the Rent Reserved to the Land-Lord during such Term, shall amount unto Two third Parts at the least of the Improved value of the Thing Demised.

### Estates for Lives.

19. Car. 2. I. Stat. 7. Gul. 3. Sejj. 1. Cap. 8. If any Person or Persons, Ca. 6. E. Ve. for whose Life or Lives, Estates are Granted, Remain beyond 2.R.f. 461. the

# Estates for Lives. Examination.

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the Seas, or elsewhere Absent themselves within this Realm, by the space of Seven Years together, and no sufficient proof be made of their Lives, in any Action Commenced for the Recovery of such Tenements, by the Lessors or Reversioners, their Heirs or Assigns : the Judges before whom such Action shall be brought, shall Direct the Jury to give their Verdict, as if the said Persons were Dead.

II. And in such Actions the Lessor, or Reversioner, may take Exception to any of the Jurors Returned for the Tryal of the Cause, that the greatest part of the Real Estate of any such Juror, is held by Lease for Life or Lives, who upon Proof thereof, shall be set Aside.

III. If after any shall be Evicted, of any Lands or Tenements by vertue of this Act, the Person or Persons upon whose Life or Lives the same Depends, shall Return again from beyond the Seas, or shall on Proof upon any Action to be brought for the Recovery thereof, be made Appear to be Living, or to have been Living at the time of the Eviction, then the Tenant or Lessee who was Outed, his Executors, Administrators or Assigns, may Re-enter, Re-possess and Enjoy the said Lands, as in his former Estate, during the Life or Lives, or so long Term as they shall be Living, and upon Action to be brought against the Lessors, Reversioners, or Tenants in Possession, or those that Received the Profits since the Eviction, shall Recover for Damages the full Profits thereof, from the time of the said Eviction, as well in Case where the said Person or Persons upon whose Life or Lives such Estates did Depend, shall be Dead at the time of bringing the said Action or Actions, as if they were then Living.

## Examination.

I. Stat. 10. Car. 1. Sess. 2. Cap. 18. Such Justice or Justices 2, & 3.P. before whom any Persons shall be brought for any Treason, & M. Cap. Murder, Manslaughter, or Felony, or Suspicion thereof, before 10. Engl. they Commit the Party to the Goal, shall take his Examination, and also the Information of those that bring him or them, of the Fact and Circumstances, and the same, or so much thereof as shall be Material to prove the Offence, shall put in Writing within two Days after the said Examination, and shall Certify the same at the next General Goal-Delivery for the County, where the Offence ought to be Tryed, before the Tryal thereof be had, upon pain (the Offence Appearing to the Justices of the said Goal-Delivery by due Proof and Examination) to undergo such Fine as the same Justices of Goal-Delivery shall think fit, the same to be Estreated as other Fines and Amerciaments, Assessed before Justices of Goal-Delivery ought to be.

II. The said Justice or Justices, have Power to Bind all such by Recognizance or Obligation (as do declare any thing Material

## Exchequer. Excise.

terial to prove the Offence against the Prisoner Committed) to Appear at the next General Goal-Delivery, to be holden within the County, &c. where the Tryal of the Offence shall be, there to give Evidence against the Party, and must Certify the same in manner as abovesaid, under such pain as is above mentioned.

### Exchequer.

**I.** E. I. I. Stat. 38. H. 8. Cap. 1. None shall Sue any Action in the Stat. Rut. King's Exchequer in Ireland, unless the Plaintiff be a Minister, Land Engl. or Servant to a Minister of the said Court, in pain of 10 pounds *Vc. Regist.* every time, to be Divided between the King and the Prosecutor. fol. 187.

**II.** Stat. 7. E. 4. Cap. 4. The Lieutenant of this Land or his Deputy, shall have Power to Remove the Exchequer, or Common-Pleas, to such Places as they think necessary and expedient, by the Garnishment of 28 Days.

**III.** All manner of Records and Procesis, continued, and Saved how, or wheresoever the Writs of the King of any the said Places bear Date, or be Returnable.

### Excise.

**I.** Stat. 14, & 15. Car. 2. Sess. 4. Cap. 8. The several Rates and Charges hereafter mentioned, and no other, in and by the Name of the Excise or New-Impost, shall be Collected and Paid, through the Realm of Ireland, upon all and every the Commodities, Merchandises, and Manufactures, as well Native, as Imported, or Foreign, in Manner and Form following, viz.

**II.** For every 32 Gallons of Ale or Beer, of above 6 shillings the Barrel price, Brewed within this Realm, by the Common Brewer, or in his Vessels, by any other, who shall Tap or Sell out Beer or Ale, Publicly or Privately, to be paid by the said Brewer or such other Person or Persons respectively 2 shillings 6 pence and so proportionably for a greater or lesser Quantity ; and for every 32 Gallons of 6 shilling Beer or Ale or under, Brewed as aforesaid 6 pence, and so proportionably for a greater or lesser Quantity.

**III.** For all *Aqua-Vite*, or Strong-Waters, made or Distilled within this Realm, to be afterwards Sold and Vended, 4 pence upon every Gallon, to be paid by the First Maker, or Distiller thereof.

**IV.** For all sorts of Druggs to be Imported into this Realm, 2 shillings of the value of every 20 shillings thereof (as they are severally valued in the Books of Rates hereafter mentioned and Referred unto) and so for a greater or lesser Quantity.

**V.** For all sort of Raw Hemp undrest, Flax, Towe, Tar, Rosin, Pitch, Wax, and Cable-Yarn, or Cordage, to be Imported, &c. 6 pence of every 20 shillings thereof (according to the several Rates, &c.) And so after that Rate for a greater or lesser Quantity.

**VI.** For

VI. For all sorts of Wine, Tobacco, Silk, Salts, and other Merchandises of what kind soever (Specified in the said Book of Rates) to be Imported, &c. 12 pence of the value of every 20 shillings thereof, according to the several Rates, &c. and so for a greater or lesser Quantity.

VII. For all other sorts of Goods and Merchandises whatsoever, not Specified or Rated in the said Book of Rates (except Jewels, Bullion, Corn, Victuals, Arms and Ammunition) to be Imported, &c. 12 pence of the value of every 20 shillings thereof, as they stand Taxed in the Books of Rates for Customs, and if Omitted there, then as they shall be Rated by the Sub-Commissioners, Collector, and Searcher for Excise, in the Place where the same shall happen to be Imported, or according to the highest Price the said Commodities shall then bear in the Market to be Sold, and so after that Rate for a great or lesser Quantity.

VIII. All which Duties to be paid for any Commodities or Merchandises, to be Imported, as aforesaid, shall be paid by the first Buyer thereof, before his Receiving of the same, from the Merchant, that shall Import the same, Except as hereafter is Excepted.

IX. And unless the Merchant be a Shop-Keeper, Re-tailer or one Employing the Commodities of his Importation for his own use, in which Cases, the Duties of Excise shall be paid by such Importer, Shop-Keeper, &c. upon the Landing their Goods, before they be permitted to carry them away from the Custom-House, or other Place of the Port, where they are Landed and brought on Shoar.

X. No Goods or Merchandises whatsoever, shall be taken up or Discharged out of any Gabbard, Lighter, Ship, Vessel, or Bottom whatsoever, coming from any Part beyond the Sea (being not in Leak or Wrack) to be laid on Land, or Laden or put off, or from any Place on the Land, into any Gabbard, &c. to be Transported or Shipped off, before such Gabbard, &c. have been first Entred into the Custom-House of such Port or other Place, where such Vessel shall happen to Unlade or Lade; nor at any other time or times, but only in the Day-Light, (That is to say) from the First of March until the Last of September, between Sun Rising and Sun Setting: And from the Last of September until the First of March between the Hours of 7 in the Morning and 4 in the Afternoon, nor at any other Places than upon the open Landing Places of Ships of the several Custom-Houses of the Ports of this Realm: Or such other Places as the Lord Lieutenant, &c. and Privy Council of this Realm (upon Application made unto them by the Commissioners of Excise hereafter mentioned) shall Appoint from time to time, nor without the Knowledge and Consent of such Officer as shall be on Board any Ship or other Vessel, Attending the Unloading thereof, upon pain of Forfeiture, not only of all the Goods so Unladen, but also of the Value of the same, to be Levyed by Distress upon the Goods and Chattels of the Proprietors of the same, as hereafter is Directed and Appointed.

XI. All Owners, Masters, Purfers, or other Persons taking Charge of any Ship, &c. out of, or into which, any Wares or Merchandises Imported from, or Shipped out for beyond the Seas, shall be Discharged or Laden; Delivering, Receiving, or Suffering, either by themselves or any of their Ships Company for them, either by or without their Consent,

to be Delivered from, or Received on Board into, or out of any Gabbard, &c. any Goods at any other Places, Hours or Times, than is before Lmitted, or without the knowledge, or consent of the Officer on Board as aforesaid (where any such Officers shall be;) Every such Owner, &c. shall Forfeit, for every such Offence, 100 pounds; to be Levyed by Distress of their Goods and Chattels, or in Default thereof, to be Committed to Prison as hereafter Directed, there to Remain for 12 Months without Bail, unless the same be paid before that time.

XII. And every Mariner, Seaman, or other Person, Consenting, &c. or being present, at the Delivering or Receiving any Goods out of, or into any Ship, Gabbard, &c. contrary to the true Meaning thereof, as aforesaid; who shall not within one Month after, Disclose the same to the Chief Commissioners, their Sub-Commissioners or Officers for the Excise hereafter mentioned, of the Port or Place within whose Charge any such Offence shall be Committed, shall for every such Concealment, Forfeit 10 pounds, to be Levyed by Distress, or in Default thereof to be sent to the next house of Correction, and to be dealt with as hereafter is Appointed.

*Ve. Pl. Co.* XIII. None having Charge of any Gabbard, &c. usually bringing and carrying Goods from on Board any Vessel to the Shoar, or from the Shoar to any Vessel, Riding or being in any Road, Harbour or Port of this Realm, shall Receive any Goods Exciseable into his or their Gabbard, &c. to carry the same on Board any other Vessel as aforesaid, at any other Places, Hours or Times than is before expressed, nor shall Receive or Take into the same, from on Board any other Vessel Riding or being in any Road, &c. (not being in Wrack or Leak) any Goods whatsoever, to Carry the same on Shoar, but at the same Hours and Places. Nor before they shall Receive a Note from the Officer of Excise (where any such Officer shall be Attending on Board such Ship, out of which the said Goods shall be Delivered) which the Officer is to Deliver Specifying the Name of the Person, having the Charge of the same Gabbard, &c., And the Marks and Numbers of every Cask, Hogshead, Pack, Farthel, Truss, Bale, Screen, Bag, Potaco, Roll, Bundle, Box, or outward Form or Bulk, or any parcel or piece of Goods within the same, as also the Key, Wharf, or Place, where the said Goods are to be Landed, which shall be such and no other as is Allowed for that Purpose. Nor shall afterwards Discharge and Land, or cause to be Discharged and Landed, all or any the said Goods, at any other Hours, Times or Seasons than those aforesaid, or at any other Place than at, or upon the open Key, or other Landing Places of the several Custom-Houses of the Ports of this Kingdom, or such other Place Allowed for the doing thereof, or without Producing and Delivering to the Waiter on Shoar, the Note received from the Officer on Board (where such Officer shall be as aforesaid) upon pain that every such Offender shall not only Forfeit 10 pounds to be Levyed by Distress on his Goods and Chattels, or in Default thereof, to suffer Imprisonment, and be punished as hereafter Appointed, but also the Gabbard, &c. together with the Goods, and also their Value shall be Forfeited: And all Marriners and Sea-men, or other Persons, that shall be Discovered to have Managed any such Gabbard,

ward, &c. or Assisted therein, shall every of them Forfeit 5 pounds, to be Levyed by Distress, or else the Party Offending to be Imprisoned and Punished as hereafter is Directed, such of them only Excepted as shall within Thirty Days next after such Offence Committed, Discover the same to some — or more of the Commissioners of the Excise, their Sub-Commissioners, Collectors, or Officers of the Port or Place, where the same was done and acted.

No Number is named in the Act of Parliament.

XIV. No Wharfinger, or Keeper of any Crane, or Ware-house, no Porter, Car-man, Water-man, or other Person, shall take up, or let down, or help the bringing on, or Shipping off any Wharf, &c. any Goods or Merchandises whatsoever, but in the presence of an Officer for the Excise, and at seasonable Hours as aforesaid, in pain of 10 pounds for every Offence.

XV. Every Porter, Car-man, or other Person that shall, at any unseasonable Hour, or from any unlawful Place, Draw, Carry or Convey any Goods Exciseable, in any Coach, Car, Waggon, Tumbrel, or other manner of Draught, or else by way of Burthen, or shall knowingly, at any other time whatsoever, though seasonable Load, &c. any Goods, which shall have been Landed or put on Shoar before Entry first made, at any unseasonable Hour, or unlawful Place, shall for such Offence Forfeit 5 pounds to be levyed by Distress, or else be punished as hereafter Directed, and also the Coach, Car, &c. with the Horses or Cattel Drawing of them, or their Value : And if any Officer of the Excise or other Person, shall Meet and Discover any Porter, Car-man, or other Person Carrying or Conveying as aforesaid, they may Secure such Coach, Car, &c. with the Horses and Cattel Drawing, and the Person Driving the same, that they may be Proceeded against as herein is Directed.

XVI. That all Commodities whatsoever, coming in or going out, either from or to any Place beyond Sea, or to any Port of this Kingdom, that shall be Unshipped, Landed, or laid on Shoar; or else Shipped off from the same, at any Hours or Times, or other Places than as aforesaid, or that shall be Shipped at any time, before due Entry thereof made, or the Warrant or License had from the Officer of Excise in the Port (where such Goods shall be Unshipped, Landed or Shipped off) for the doing thereof, shall be Forfeited; and the Merchant, Importer, or other Person Offending herein, shall likewise Forfeit the just Value of the Goods, or otherwise be proceeded against as hereafter is Appointed.

XVII. No Merchants or other Persons whatsoever, Entring any Goods Inwards from beyond the Seas, shall Enter them in any other than the Name of the Real Importer thereof, nor shall make use of the Name of any known Merchant, or other Person whatsoever, (to Colour his or their Goods) either with or without their Consent, on pain to Forfeit the Goods or their Value, if Found or Discovered to be so Entred or Coloured, to be Levyed or Proceeded against, as hereafter is Directed.

XVIII. Every Merchant or Importer (being no Shop-Keeper, Re-tailer or Consumptioner) after Entry of their Goods, by Bill under their Hand (or under the Hand of such for whom they will Answer) presently before they have a Warrant to receive their Goods out of the Ship or from the

Water-side, shall enter into Obligation Singly (if known Merchants or reputed Responsible Persons) or otherwise with sufficient Security to the King in double the value of their Goods, with Condition not to deliver any of the said Goods to any of the Buyers thereof, or put into the Custody of any Shop-keeper or Re-tailer whatsoever, before the Duty of Excise thereof be first paid, and in Case they cannot, or will not give such Bonds, then to pay the Excise down; and if not Able or Refusing, the Commissioners of Excise, their Sub-Commissioners, and Collectors Respectively in every Port of this Realm (or such as they shall Appoint) are to take up such Person's Goods, and after due Notice taken (in the presence of the Owner, or such as he shall Appoint) of the Quantity and Quality thereof, (or if he Refuse) in the presence of Two good Witnesses, to House and lay the same up, in his Majesty's or other fitting Warehouse, to be kept till Bond given, or Excise paid as aforesaid: And the Owner or Proprietor, upon Clearing the Goods, shall (besides the Excise thereof) pay such moderate Rates, by the Week or Month for Warehouse Room, as the Commissioners of Excise, or their Sub-Commissioners Collectors or other Chief Officer of the Ports respectively shall think fit.

XIX. Every Merchant or Importer of any Exciseable Commodities, after Entry thereof and Bond given as aforesaid, shall afterwards, upon all or any part thereof, under his own Hand or Servant's Hand, for whom he shall be Responsible, Certify in Writing the Quality, Quantity, Weight and Measure of his Goods Sold, with the Name of the Buyer, who Bringing and Delivering the same unto the Officer under which he Lives, shall then and there pay the Excise thereof unto the Officer Appointed to Receive the same, who shall give him a Receipt for such Excise: And no Merchant Importer aforesaid, before the Delivery of such Certificate, and Payment of the Excise as aforesaid, shall Deliver, nor any Buyer or other Person Receive, all or any such Goods, upon pain of Forfeiture of double their Value, to be paid by the said Buyer or Receiver; and to be subject to such other Proceedings, for want of Distress, as is hereafter Directed.

XX. A Barter, Truck, or Exchange, of one Goods for another, shall be Reputed a Sale, and Excise to be presently paid for both Commodities, it both be lyable or such of them as is lyable, upon pain of Forfeiting as in Cases of not paying Excise for Goods upon Sale of them.

XXI. Every Shop-keeper, and Re-tailer or other Person Importing any Commodities of his own Trade, or for his own private Use, shall not Unship or Land the same, before Entry made, both for the Quantity and Quality, nor shall Carry the same or any part thereof away, before the Excise be fully paid, and if they do to the contrary, or enter them in any other Person's Name than their own, or if any shall Enter or take up any Goods for any Shop-keeper, Re-tailer or Consumptioner, such Shop-keeper, &c. or other Person whatsoever, shall Forfeit double the Value of the Goods so to be taken up, or carried away; to be Levyed by Distress of the Goods and Chattels of such Offender, and in Default thereof, to be Imprisoned till Satisfaction, as is hereafter Appointed.

XXII. If any Shop-keeper or other Person, having Goods, shall voluntarily upon his Oath (before the Commissioners of Excise, their Sub-Commissioner

Commissioner or other Chief Officer in the respective Ports) Declare that he knows not the True and Just Quantity or Quality of such Goods, in such Case (or any other Emergency requiring the same) the Commissioners, &c. may Grant Warrant and Licence for the bringing the same to the Custom-House Key, where the same shall be taken up, and Viewed in some convenient Place, in presence of an Officer Appointed thereunto, and the Owner or Proprietor shall thereupon make particular Entries thereof, both for Quantity and Quality, upon pain of Forfeiting the Goods and Value of such, which shall be Omitted to be Entr'd, or Entr'd short, according to their true Denomination and Kinds.

XXIII. Every Owner, Master, or Commander, taking Charge of any Coasting Vessel, Transporting any Commodities from one Port to another within this Realm, shall not Receive on Board, or Deliver on Shoar (or into any other Gabbard, &c. to be Carried on Shoar) any Goods Exciseable, at any other than seasonable Hours and Times, and from, at or upon any other Keys or Places than is before Declared, nor without License first had from the Commissioners, &c. upon pain of 20 pounds every time Offending. And every Marriner, Seaman, or other knowing thereof, or Assisting therein, 5 pounds, to be Levyed by Distrefs, or otherwise Proceeded against as hereafter is Directed.

XXIV. Every Owner, &c. taking Charge of any Coasting Vessel as aforesaid, after he is Entr'd and Laden, shall not go out of the Port, before he receives his *Transire* from the Commissioners, or other Officer in the respective Ports, out of which he is going, Expressing the Quality and Quantity of the Commodities Exciseable, and to what Port; which *Transire* they are to give him accordingly. Nor shall such Owner, &c. Arriving afterwards at their intended Port, or any other Port of this Realm, be permitted to receive any Warrant for Landing the Goods Transported, at or upon the Shoar, before they Deliver to the Officer of Excise in the Port (Appointed to Receive the same) the aforesaid *Transire*, and that then the said Owner, &c. or such other Person who was constantly on Board, and Sailed along the whole Voyage of the said Ship, and no other, shall make Oath before the Commissioners, that to his certain knowledge, there was not, nor had not been Laded on Board, or taken into the said Vessel, any Goods Exciseable, since the Granting the said *Transire*, nor that the said Vessel had been beyond the Seas, nor at any other Place or Port, Except such as he shall then and there Declare. And in Case such Ship, &c. be to Deliver part of her Lading at one Port, and the rest at others; then the Officers of Excise (where such Part shall be delivered) shall Certify on the backside of the said *Transire*, the Quantity and Quality of the Goods mentioned therein, which have been Landed and Delivered in such Port.

XXV. All Shop-keepers, Re-tailers, and others, Shipping Goods (which had before paid Excise) for any the Ports of this Realm, shall take from the Officer of Excise in the Port out of which they Ship the same, a Certificate under such Officer's Hand, of the Contents, Quantity and Quality of the same; and that they are Goods and Wares of a Shop-Keeper or Re-tailer, which Certificate shall be Delivered to the Officer of Excise in the Port where they Arrive, who shall thereupon Grant Warrant for their Landing

Landing and taking up, without further trouble: But if such Certificate be Concealed or Omitted, to be Taken out or Delivered as aforesaid, then such Goods to be Reputed Merchants Goods, and be lyable to Entry, have Bond given, or Payment made of Excise, as if they had come directly thither from any Parts beyond the Seas.

XXVI. All Goods Entered for Custom, either Inwards or Outwards, shall be Entered in the Name of the true Owner or Proprietor thereof, and no other, on pain to be Seized and Condemned, as is hereafter Directed.

XXVII. And in Case any Shop-Keeper, Re-tailer or other, shall Fraudulently Ship out any Goods of some known Merchants or other, lyable to Excise until Sale thereof, every such Person pretending Property in such Goods, shall Forfeit double their Value, to be Levyed by Distress, and further be Proceeded against as hereafter is Appointed, and likewise be Disfranchised and made uncapable for ever after, to be a Member of any Burrough or Town Corpotate, within this Realm; and the Mayor or other Magistrates thereof (upon Proof thereof) are to Proceed to the Disfranchising of such Person accordingly.

XXVIII. Sworn Officers to be Appointed by the Commissioners, &c. for the Tasting of all Decayed Wines, and Viewing of all Perishable Commodities, and upon their Report, such Allowance (upon the Landing and before the Housing of such Goods) shall be made, as the Commissioners, &c. shall think fit, not allowing more than is given for the same Cause, in the like Matter of Customs and Subsidy of Tunnage and Poudage.

XXIX. Two Butts, Two Pipes, Four Hogsheads, of what sort soever, Six Teirces, Three Puncheons or Tercions, and Eight Quarter-Casks, shall be Accounted a Tun of Wine; and every Cask of Wine Imported, which is full, and shall exceed a Quarter-Cask, shall be Accounted for a Teirce; And every Cask exceeding a Teirce, a Hogshead; and every Cask exceeding a Hogshead, a Puncheon; and every Cask exceeding a Puncheon, shall be Accounted a Butt or Pipe, without any Allowance of Under-gage whatsoever.

*See Hic*      XXX. All Common-Brewers of Beer and Ale, Makers and Peetea S. Distillers of *Aqua-Vite* and Strong-Waters to Sell again in their 34. Shops, who are lyable to Excise, shall under their own Hands, or under the Hands of such, for whom they shall be Responsible, upon every Monday Weekly, make a true Entry at the Office of Excise under which they Live, of the Quality and Quantity of all Beer and Ale, *Aqua-Vite*, and Strong-Waters by them Brewed, Made and Distilled, the Week foregoing, and at the same time Pay and Clear the Excise, upon pain of Forfeiting 20 pounds for the First, 40 pounds for the Second and 60 pounds for the Third Week, for such Neglect or Refusal; and double the Value of the Liquors by them Made and Brewed, in any of those Weeks, before such Entry and Payment as aforesaid, to be Levyed by Distress, and in Default thereof, to be Proceeded against as is hereafter mentioned; and if they shall for more than 3 weeks offend therein, then for ever after to be uncapable of Exercising the Trade of Common-Brewer, Maker or Distiller of *Aqua-Vite*, &c. till the Offender pay 100 pounds, and give Bonds to the King, with sufficient Sureties for his due and

and constant Entring and Paying Weekly for the future as aforesaid. And all Common-Brewers to be Allowed (on Payment of their Excise) 64 Gallons in every 704 Gallons of Beer, and 32 Gallons in every 672 of Ale, (and so Proportionably for a greater or lesser Quantity for Waste and Leakage).

XXXI. No Vintners, Inn-keepers, Victualers, Alehouse-keeper or others, that use Common Selling of Beer and Ale, *Aqua-Vite* or Strong-Waters, shall be Permitted to Brew, Make or Distil the same, unles they do forthwith Enter into Bond to the King, with sufficient Sureties in such Sum as the Commissioners or Sub-Commissioners of Excise shall judge Reasonable, for the true Entring the Excise Weekly of all their Liquors, at the Office of Excise under which they Live, in Case they Live not above 3 Miles from it, or else every 14 Days, if they Live further off, in pain to Forfeit for every such Offence (upon due Proof thereof, before the Commissioners, or their Sub-Commissioners) 20 shillings, and for a Second-Offence 40 shillings, to be Levied by Distress or otherwise as is hereafter appointed; and if they Offend a Third time, to Forfeit 3 pounds, to be Levied as aforesaid, and to be committed to some common Goal, by the said Commissioners, till such Offender enter into Bonds with good Surety to the King, in the Penal Sum of 20 pounds *Sterl.* that he will not Brew, Make, Distil and Vend by Retail or otherwise, Beer, Ale, *Aqua-Vite* or Strong-Waters any more, or at any time afterwards.

XXXII. The Commissioners of Excise, or Sub-Commissioners, may under their Hands and Seals, appoint so many Sworn Gaugers or Searchers as they shall find needful, to Enter by day or by night into the Houses, Brew-houses, Still-houses, &c. or other Places whatsoever, belonging to any common Brewer, Vintner, &c. or other Brewer, Maker or Distiller of Beer, Ale, *Aqua-vite*, or Strong-waters, and to Gauge the Coppers, Fats, Keeves, and other Vessels, of any Brewer, and take Account of the Barrels of Drink Brewed, and quantity of *Aqua-vite* or Strong-waters Distilled, or made from time to time, and make Return thereof, Signed under their Hands to the Commissioners, or Sub-Commissioners, or Deputies; which Returns shall be a Charge upon the common Brewer, &c. who shall pay Excise accordingly (in Case the said Returns do exceed what the said Common and other Brewers and Distillers, upon their Entries Charge themselves withal) and not otherwise.

XXXIII. If any common Brewer shall deny any Gauger or Searcher, as aforesaid, to Enter into his or their Houses, &c. to Gauge, &c. or Admitting them to Enter, shall Conceal any part of their Liquors from his Gauge or Sight, or shall use any private Vessel, Still, or Alimbick, for the Brewing or Distilling thereof, without giving him notice; every such common Brewer or Distiller, shall for such Offence Forfeit 20 pounds; and every Vintner, Inn-keeper, &c. 5 pounds; and for denying Entrance to Gauge or Concealment, as aforesaid, shall be presently forbidden by such Gauger or Searcher, to carry or deliver any Beer or Ale, or Retail any more Beer, Ale, *Aqua-vite*, or Strong-waters; which if they do (then besides the Forfeiture of double their value) every common Brewer, to Forfeit 50 pounds; and every Vintner, &c. Distiller or other, 3 pounds to be levied by Distress, or otherwise the Offender to be proceeded against as hereafter is appointed.

XXXIV.

**XXXIV.** Provided that if any Vintner, Inn-keeper, &c. think fit to Compound for their Excise, that then the Commissioners or Sub-Commissioners may agree with them for any time, not exceeding 12 Months, and at such Rates to be paid Monthly as they think reasonable, according to the quantities Sold by such Persons in their Houses, and not elsewhere; and such Composition not to be less than their Excise amounted unto at any time for 12 Months before going, and upon such Composition or Agreement made, the Parties with able Sureties shall Enter into such sufficient Obligation to the King, as shall be concluded on, for the true payment accordingly; and thereupon they shall be Acquitted from making Entries, weekly or every 14 days; or having any Guage or Search of their Liquors during the time of their Composition, and of and from all Penalties and Forfeitures concerning the same.

**XXXV.** All Persons Selling and Re-tailing Beer, Ale, *Aqua-vitæ*, or Strong-waters, only in places where the General-Assizes or Quarter-Sessions shall be kept, during the time thereof, or at any Fairs during the time of the same, shall upon the place pay the Excise thereof (except the same were Brewed by any common Brewer) before they draw or tap the same, unto such Officer for Excise as shall be appointed to receive the same: And if any neglect or refuse, the Officer may Seize and Detain in his Custody such Liquors, until such person pay the Excise for the same.

**XXXVI.** No Vintner, Inn-keeper, &c. having Compounded or given Bond for Entry or Payment of their Excise, shall Vend or Dispose of any their Beer or Ale, to any other House-keeper, Victualer, or other Person, by Barrel, half Barrel, Kilderkin, Firkin or Gallon, for their private Expence, or otherwise, to be by them Re-tailed, upon pain that every Person Receiving the same from such Vintner, &c. shall pay double the Excise thereof; and in Default of payment thereof, both Vintner, &c. Selling, and also every House-keeper, or other Person Buying and Receiving the same, shall be equally lyable to the Forfeiture of 40 Shillings a piece, to be levyed by Distress, as hereafter mentioned.

**XXXVII.** All Vintners, Inn-keepers, &c. Selling Beer or Ale by Re-tail, shall either wholly Brew and Make their own Beer and Ale, or take the same from some common Brewer; and if they Brew part themselves, and take other part from the common Brewer, then to be lyable and pay Excise, as if they had Brewed it all, upon pain of Forfeiting all such Beer and Ale, which they shall take from such common Brewer, or else the Value thereof, to be levyed by Distress, as hereafter is Directed.

**XXXVIII.** No Distress taken of the Goods and Chattels of any Vintner, Inn-keeper, &c. Brewing, Making and Selling by Re-tail any Beer, Ale, *Aqua-vitæ*, or Strong-waters, shall be Sold or Disposed of, until 14 days after such Distress made, within which time (if the parties find themselves grieved) they may make their Complaint to one or more Justices of the Peace next to the place, who are to Hear and Examine the same upon Oath, and to Determine the Matter, and to mitigate any Fine or Penalty imposed upon any such person by this Act, so as such mitigation be not made less than double the value of the Excise which ought to have been paid besides the reasonable Charges of Distressing to be allowed by the said Justice or Justices, nor the party Complaining receive Encouragement,

agement to continue the Practice of any Fraud or Disobedience, in Breach of any Clause of this Act; but if the person Distrainted and Complaining, do not Prosecute such Complaint, within the said 14 days, that then the Commissioners or Sub-Commissioners may proceed to the Sale and Disposal of the said Goods and Chattles Distrainted, as in Case of other Distresses, as hereafter is mentioned.

XXXIX. An Office to be called by the Name of *The Office of Excise, or New Impost*, to be Erected in the City of *Dublin*, and to be Managed by Commissioners not exceeding 5 in Number, and also a Surveyor, all to be Appointed by the Lord Lieutenant, &c. and to be Commissioned under the Great Seal of this Realm, to hold during their good Behaviour: Which Commissioners or any 3 or more of them, with the Approbation of the Lord Lieutenant, &c. may appoint such fitting Clerks, Searchers, Waiters, Messengers, and all other Officers for the Suburbs and Liberties of *Dublin*, and the Port of *Dublin*, and the several Members thereof, as they may necessarily have occasion, to Employ for the advantage of the King's Service, and (with the Approbation aforesaid) at any time to displace such Officers, and choose others in their Rooms, and to allow them such several yearly Wages (to be paid Quarterly out of the Receipts of the said Office) and accidental Rewards for their pains, as the said Commissioners or the Major part of them shall think fit, and with the Allowance and Approbation aforesaid; and for all the other Cities, Counties and Ports of this Kingdom, and the several Members thereof.

XL. The Commissioners of Excise, and all others, from time to time that shall be Employed under them, are appointed by this Act (before they Enter upon their Employment) to take the Oaths of Supremacy and Allegiance (but these Oaths being now Abrogated and taken away, and New ones appointed in their Rooms, they are now to take the New ones (which see in Tit. *Oaths*) and they are likewise to take the following Oath for their True and Faithful performance of their respective Trusts, viz.

XLI. *You shall Swear to be True and Faithful in the place of Commissioner, Sub-Commissioner, Collector, &c. for the Excise; during the time you shall be a Commissioner, &c. you shall according to the best of your Knowledge, Power and Skill, Execute the same Diligently, Faithfully and Impartially, you shall Make and Deliver a true Account of all your Receipts from time to time; and further do all things without having any Respect to your self, in prejudice of His Majesty's Revenue.*

So help you God.

XLII. Which Oath the Lord Chief Baron of the Exchequer is to Administer to the Commissioners, and they or the Major part of them, unto all others Employed under them.

XLIII. All Parishes, Parts and Places of the City, and County of the City of *Dublin*, and County of *Dublin*, and all and every the Baronies, Parts and Places, of the same, shall be Subject to the Rule and Government of the said Office.

XLIV. The like Offices, and so many of them, and so many Subordinate Commissioners, &c. from time to time to be appointed, in all or any of the Counties of this Realm, and in all other Cities, Towns and Places

theroof, as the said Commissioners or the Major part of them shall think fit, and to be approved of by the Lord Lieutenant, &c. and Privy Council: which said Subordinate Commissioners, &c. shall take the like Oaths as aforesaid, before the Lord Chief Baron of the Exchequer, or before the said Chief Commissioners, or any Two of them, or before any Justice of the Peace; and every of the said Subordinate Commissioners, &c. to Enter into Recognizance with good Sureties to the King's use (in such Sum as shall be thought fit) before the Lord Chief Baron of the Exchequer, with Condition for the due Execution of their Places, and paying Monthly all Monies by them Received for Excise (their own and others Salaries, and other contingent Charges first Deducted) and accounting Quarterly unto the Exchequer at Dublin. And the said Commissioners, Subordinate-Commissioners, &c. to have such Salaries as the Lord Lieutenant, &c. and Privy Council of Ireland shall think fit.

**XLV.** The said Offices (in all Places where they shall be Appointed) shall be kept open all Days (except the Lord's-day and Holy-days) from 9 of the Clock to 12 in the Fore-noon, and from 2 till 5 in the Afternoon, each Day, for the Taking and Inregistering the Entries of all Merchants, Re-tailers, Brewers, and others, and for the Receiving all Monies which shall be Due and Payable by all or any of them, and other things necessary to be done.

**XLVI.** The several Surveyors, Searchers, Waiters, and all other Officers, Appointed by the said Chief Commissioners as aforesaid, in the several Ports, &c. within this Realm, may go on Board and enter into any Ship, or other Vessel whatsoever, as well by Night as Day, coming into the several Ports, and not only to continue there on Board, until the same be fully Discharged, but also by Night as by Day, to enter as well into all other Ships, Gabbards, &c. as in the Day-time to enter into all Houses, Cellars, Vaults, Shops, Ware-houses, Store-houses, Store-cellars, or other Places belonging to any Person whatsoever (where they shall have just cause of Suspicion) to make Search for any Goods or Commodities Exciseable, either put on Board any Ship or Vessel, or taken out and Carried away, or intended to be Carried away, without due Entry first made of the same, or Payment of the Excise due therefore: And the said Goods, as also all other Goods Exciseable, and Merchandise whatsoever, which they shall Discover to be Conveying either by Land or by Water, at unlawful Hours or Times, or before Entry or Payment made for the same, or which shall be Landed or attempted to be Landed, at any unlawful Place or Places, or without the said Commissioners or their Sub-Commissioners or Collector's Licence for so doing, to Seize, Carry away, Bring or cause to be brought to the Office of Excise next Adjoining to the Place where such Goods shall be Seized, there to be detained and kept.

**XLVII.** And in Case the said Goods and Merchandises so Seized, shall not be Claimed by the true Owner or Proprietor thereof, or by one Deputed under his Hand, within 21 Days after Seizure, then the same to be Forfeited, and may be Sold at the next General Day of Sale, to be Appointed by the Commissioners of Excise or their Sub-Commissioners after that time, and the Proceed to be Divided as hereafter is Appointed.

**XLVIII.** And

**XLVIII.** And if such Goods and Merchandises so Seized, be Claimed within the time aforesaid, and the Owner and Claimer shall not make it Appear to the said Commissioners, &c. or the Major part of them, that the said Goods were duly Entred, or Unladen, or Landed at a Lawful time and Place as aforesaid, or with Licence for doing thereof, then the same shall likewise be Forfeited, and Sold and Disposed of as hereafter is Directed.

**XLIX.** If any Master, Commander, or Owner, of any Ship or Vessel, or any other Person whatsoever, refuse to permit any the Officers aforesaid, to Enter into or Remain on Board his or their Ship, Gabbard, &c. or into his or their House, Cellar, &c. to Search as aforesaid, or Permitting them, shall Hinder or Resist them in the Seizing and Carrying away Goods for the Causes aforesaid, such Offender shall, for every such Offence, Forfeit 50 pounds to be Levyed by Distress, as hereafter is Appointed: Or if any Porter, Cartman, Waterman, or other Person or Persons whatsoever, shall be Assisting herein, or if any usually Employed as Porter, &c. to Carry, Roomage, or Remove Goods, shall (if Required thereunto by such Officers) Refuse to Carry, Load and Drive away, any Goods Seized as aforesaid, to the Office of Excise next Adjoining as aforesaid, (Reasonable Satisfaction being Tendred and Allowed them for their pains therein) every such Offender shall for every such Offence Forfeit 10 pounds, to be Levyed by Distress, or in Default thereof to be Proceeded against as hereafter is Appointed.

**L.** For the better Accounting with the Merchants Importers, whose Goods are not Lyable to Excise till the Sale thereof, the said Commissioners, &c. in their several Offices, shall keep a Distinct and Several Account, by the Name of an Import Account with such Merchants, of the several Entries of Goods, which they shall make for any Inwards, from beyond the Seas or from the Coast, and again Discharged, by what shall Appear in the Excise-Books to have been paid upon the Sale and Delivery of such Goods, and by the several Quantities thereof, which shall be Shipped out and Landed beyond the Seas, or else in any other Port of this Realm and there entred, of which they shall make Oath; and all things else Appearing by Certificate otherwise to be done with the Sub-Commissioners or Collector there, as is by this Act Appointed to be done upon the Importation of all Goods Exciseable, from any parts beyond the Seas. And for all Goods sent by Land-Carriage or otherwise, by any such Merchants aforesaid into the Country or unto any City, Town, or Place whatsoever (other than the Ports and Members thereof in this Realm) and there Entred as aforesaid, every such Merchant, upon his Accounting with the said Commissioners, &c. shall make good the Excise for the same himself, by Paying the same, and to be Allowed him by the Buyer in the Price of his Commodity.

**LI.** The Commissioners of Excise, &c. in their several Offices, once every 3 Months without fail, (or oftner if they see Cause) shall take Care for the Ballancing and Adjusting of the Merchants Import Accounts, by requiring them to Deliver them a particular Account of all Goods Exciseable at that time; and upon Refusal or Neglect thereof, by the space of 4 Days (after Notice given them, or left at their usual place of Abode,

Warning them thereunto) then every such Merchant or Importer, shall be presently lyable to the Payment of the full Excise of all Goods that shall stand Charged in the Excise-Books on their Import-Account, by their Rest and Remainder as aforesaid, and their Entries of Goods upon Importation, which have not been Cleared by Payment of Excise or Shiping them out, and accordingly Adjudged (and Warned by Notice as aforesaid or otherwise) to pay the same within 6 Days next after following at the furthest, or in Default thereof, to Forfeit double the value of all such Goods as shall be found wanting, remaining on their Import-Account, to be Levyed as hereafter mentioned, and to be ever after uncapable of taking up any Goods Exciseable in any Port of this Realm, for his own or any others use, without Payment down of the Excise, as if he were a Shop-keeper Re-tailer, or Consumptioner of the same. But if such Importer shall upon Demand, or within 4 Days after given in such Account as aforesaid, then the Commissioners, &c. shall forthwith Appoint one or more Officer or Officers to Enter all his Cellars, &c. to Search and Try whether the Remainder do Agree with his Account or no, and to make Report thereof to the Commissioners, &c. which Report (in Case of Difference between the Remainder and Account of such Merchant) shall be taken for the true Remainder, according to which the said Commissioners, &c. shall Proceed in making up his Account, and then such Merchant making Oath before them, that the Goods Remaining and Viewed by the Officer or Officers aforesaid, and all other Goods Shipped by him (by which his Account is to be Discharged) were all of them such Goods as had been *Bona fide* formerly Imported by himself, and Entr'd in the Excise-Office, and there Charged on his proper Import Account, and the said Goods found so Remaining had not been Sold or Altered, either Directly or Indirectly since their first Importation into this Realm, the said Commissioners, &c. Allowing upon the Account such Remainder, and also such other Goods which such Merchant shall at any time betwixt the times of his Accounting have Shipped out and Landed in any part beyond the Seas, or Shipped out, Landed and Entr'd in any other Port or Member thereof in this Realm) may Adjust his Account to that Day, and Receive Excise presently of him for so much Goods as shall be found Wanting on his Account, without any further Penalty. And so go on to the Framing a new Import Account for the whole Remainder Stated and Agreed on as aforesaid, without Demanding any Excise till he Sell or Dispose thereof. But if any Merchant as aforesaid, Refuse to permit Search to be made, and Account to be taken of his Goods as aforesaid, he shall for every such Refusal, Forfeit an 190 pounds ; and if any permitting such Search, he shall afterwards Refuse to make Oath that the Goods Shown the Officer or Officers as aforesaid, or by him Shipped out as aforesaid, were all of them Imported by himself, or on his Account from beyond the Seas, and Entr'd upon his Import Account in the Office of Excise and without Alteration of Property, then all such Goods shall be Reputed the Goods of some other than such Merchants and not to be Reckoned in the Discharge of his Account : And if such Merchant shall make Oath, and yet Neglect or Refuse for 6 Days after to pay such Excise as shall be due thereupon, then every such Merchants Bond given upon En-

try of such Goods that shall be found Wanting, shall be Returned into the Exchequer, there to be Prosecuted ; and shall not afterwards, upon his Importation of Goods into any Port of this Realm, be Permitted to take up or lay them on Shoar, before Payment down of their full Excise unto the Officer Appointed to Receive the same at the Port where they shall Arrive or be brought in.

LII. The Commissioner, &c. (in the Limits and Districts of their several respective Offices) or the Major part of them, where there are more than one Sub-Commissioner and Collector, or else such other Persons or the Major part of them, as shall be Authorized thereunto, together with such Sub-Commissioners or Collectors, under the Hands and Seals of the said Commissioners or the Major part of them, may Hear and Determine all Offences and Breaches of any Clause in this Act (other than such as are or shall be otherwise Appointed by this Act) and are upon any Notice Complaint, or Information, to Proceed to the Examination of the Matter of Fact, by causing Parties and Witnesses to Appear before them, by Summons in Writing, under the Hand of their Clerk, or other Officer Appointed thereunto, to be left at the usual place of Abode of such Parties and Witnesses, and to Examine the Witnesses upon Oath in the presence of the Party Accused (if he Appear;) And in Case any Witness duly Warned to Appear, Neglect or Refuse to Appear, or Appearing Refuse to make Oath for the Discovery of his Knowledge in the Matter, or making Oath, Refuse to Answer to such Questions as shall be Demanded of him touching the Matter in Question, every such Offender to Forfeit for every time 10 pounds, to be Levyed by Distress. And in Case the Party Accused (being Summoned) wilfully Neglect or Refuse to Appear before them, then to Proceed as if he had been present and Defending himself; And any Offence or Breach of any Clause or Article in this Act mentioned (being proved by the voluntary Confession of the Party, or by the Oath of one or more Credible Witness or Witnesses, the said Commissioners, &c. are to give Judgment and Sentence accordingly as in and by this Act is Directed; and afterwards to Issue out their Warrant of Distress under the Hands and Seals of them, or the Major part of them, for Levyng any Forfeiture, Fine or Penalty Imposed by this Act, by Distraining so much of the Goods and Chattels of such Offender, as may be sufficient for Satisfaction thereof. And if the Distress shall not be Redeemed within 6 Days following (Except before Excepted) then the said Commissioners to put the same to Sale, in manner as is hereafter Directed, and to Restore the Over-plus (if any be) to the Party Distrained : But if the Distress will not satisfie the Forfeiture, Fine or Penalty, the Party shall forthwith pay the Surplusage or be Distrained again.

LIII. But if sufficient Distress cannot be had, the Commissioners, &c. (upon Proof made thereof before them) may, by Warrant under their Hands or the Major part of them, Commit the Offender to Prison, there to Remain until he make Satisfaction, or be Discharged by their Warrant or Direction who Committed him, or else by Warrant of the Lord Lieutenant, &c. and Privy-Council of Ireland, as hereafter is Appointed.

LIV. For want of Distress to be had to Satisfy any Forfeiture, Fine or Penalty Imposed by this Act, not exceeding 10 pounds, the Commissioners in the City and Port of Dublin, and the Sub-Commissioners and Collectors in any Port of Ireland, together with a Justice of Peace, or other Chief Magistrate of any Corporation, may Commit the Offender to the next Goal or House of Correction, there to be put to Labour (if Able) and have such Allowance as they deserve by their own Work, during the time of their Stay there (which is not to exceed 6 Weeks space.) And all Keepers of Prisons and Governors of any House of Correction, are to Receive such Persons so committed by Warrant as aforesaid: And all Sheriffs to be Responsible for those Committed to Goal. And if any Sheriff or his Deputies make Replevin of any Distress taken by Virtue of this Act, or if any Sheriff, Goaler, or Master of any House of Correction, Refuse to Receive and Set on Work such Persons, or suffer them to Escape or go out of Prison, or House of Correction, without Warrant or Order in Writing from him or them that Committed such Person, every such Officer shall Forfeit double the Value of the Sum of Money, for which such Person shall be Committed to him as aforesaid; to be Levyed by Distress and Sale of their Goods and Chattels, as before in this Act is Directed.

LV. None to be Charged with any Penalty, Forfeiture or Punishment, for any Offence against this Act, unless they be Informed against, or Complained of, to the said Commissioners, their Sub-Commissioners or Collectors, within 6 Months after the Offence Committed as aforesaid.

LVI. If any Matter of Controversy or Difficulty happen to Arise between any Merchant, Trader, or Dealer, and the said Commissioners, &c. and if any find themselves Aggrieved by them, they may Appeal unto the Lord Lieutenant, &c. and Privy-Council, or such Commissioners as they shall Appoint under the Great Seal, who are to take the Oath following (to be Administred to them by the Lord Chief Baron) Viz.

**Y**OU shall be True and Faithful in the Place of Commissioner for Appeals, you shall in all things Execute the same Impartially, without any Respect, Favour, Reward, or Affection to any Person whatsoever.

So help you God.

And the Commissioners for Appeals, or the Major part of them, are to Receive all Appeals made from any of the said Commissioners, Sub-Commissioners, &c. and may send for Parties and Witnesses, and all Manner of Papers and Writings belonging to any brought before them, and Examine upon Oath, and Hear and Determine all such Appeals of Matters in Difference, and Confirm or Reverse all Judgments and Sentences given by the said Commissioners, &c. against any Person; and by Warrant under their, or the Major Part of their Hands, may Discharge and Release any Person Committed to Prison, or any House of Correction by the said Commissioners, &c. and may Mitigate and Abate all Fines, Penalties and Forfeitures, Imposed by them by Virtue of this Act, as to them shall seem meet according to Equity.

LVII. Provided always that in the Mitigating of such Forfeitures, &c. Care be had that the Informer or Prosecutor be Encouraged for his Care, Pains

Pains and Discovery, according to the Nature and Quality of the Fraud used and Discovered.

LVIII. The said Commissioners of Excise, or the Major part of them, shall from time to time give such Instructions to the Officers Employed under them, as shall be most Advantageous for the True and Orderly Execution of this Act, (so as the same be first Allowed by the Lord Lieutenant, &c. and Privy-Council) and such Officers as shall not duly Observe the same, or are Careless and Unfaithful in the Execution of their Trust and Employment, the said Commissioners or Major part of them, may Punish them by Fine, not exceeding double the value of their yearly Salary, to be Levyed by Distress, or in Default thereof to be Proceeded against as aforesaid, and to Forfeit their Office or Employment.

LIX. The said last before mentioned Commissioners or any one of them, their Sub-Commissioners, &c. may Administer all such Oaths as in all and every Case in this Act is Required to be made and given, other than such as are Appointed otherwise to be Administred.

LX. If any shall unlawfully or corruptly Procure any Witness or Witnesses (by Reward, Promise, or any unlawful means whatsoever) to Commit any wilful or corrupt Perjury in any Matter, which by vertue of this Act shall Depend or come before the Commissioners for Appeals, or of Excise, their Sub-Commissioners or Collectors by Complaint or Information; or if any, either by Subornation, unlawful Procurement, sinister Persuasion, or means of any other, or by their own Act, Consent, or Agreement, wilfully corruptly Commit any manner of wilful Perjury by his or their Depositions, before the said respective Commissioners, &c. in any Matter before mentioned, every such Offender (being thereof lawfully Indicted and Convicted) shall lose and Forfeit such Sum and Sums of Money, and be set and put on the Pillory, as by the Statute made in this Realm the 28. Eliz. is Enacted: And the Justices of Assize and Goal-Delivery in their Circuits and Justices of the Peace, in every County within this Realm, at their Quarter-Sessions, both within Liberties and without, may Hear and Determine the same Offences, and give Judgment, Award, Process, and Execution of the same, as in and by the said Statute is Directed.

LXI. If any Goods Distrainted in Pursuance of this Act, be not Redeemed within 6 Days (except before excepted) or if any Goods Seized be not Claimed or Cleared within 21 Days after as aforesaid, then the Commissioners of Excise, their Sub-Commissioners, &c. Appointing a general Day of Sale, and giving Publick Notice thereof, shall cause the Goods to be Appraised by two sworn Officers or others, and afterwards Sell the same by the Candle, unto such as shall Bid or Give most for the same; and all Sales so made of any Goods Seized or Distrainted, shall be good in Law to the Buyers.

LXII. Of all Seizures, Fines, Forfeitures and Penalties mentioned in this Act (after all necessary Charges for Recovery thereof, to be Rated and Allowed of; by the Commissioners of Excise &c. being first Deducted) then one Moyety of the Remainder thereof shall be to the King, and the other Moyety to him or them that shall Seize or Discover or give Information of; and Prove any Breach of any Clause or Article of this Act.

LXIII. Provided

LXIII. Provided that if any subject to any Fine, &c. (who is not a Principal, but an Accessary, &c. to any Offence or Breach of this Act) shall Discover the same unto the Commissioners of Excise; their Sub-Commissioners, &c. every such Person shall not only be Acquitted from any Penalty in Relation to himself, but shall have and Receive the one Moyety of the Fines, Forfeitures and Penalties, Incurred by any others whose Offence he shall Declare and make known.

LXIV. All Sheriffs, Justices of the Peace, Mayors, Portrives, Sovereigns, Constables, and all other the Kings Officers, in the several Counties, Baronies, Liberties, Franchises and Jurisdictions of this Realm; are at all times to be Aiding and Assisting unto the Commissioners of Excise, their Sub-Commissioners, Collectors, and all other Officers and Persons Employed by or under them, in the due Execution of this Act, and Punishing all Offenders according to Law, and doing all other things Required by the Act, to be done by them.

LXV. Enacted that for the space of Seven Years then next following, no Lease shall be made by the King, His Heirs or Successors, to any Person or Persons, or any Authority given as Agent or Agents or otherwise, for Granting Licences for any of the Premisses, otherwise than as by the Act is Appointed, nor after the said Seven Years, without special Advice, in that Behalf, of the Chief Governours, and 6 or more of the Council of this Kingdom; and that not to be without Reserving thereout Yearly to the King, His Heirs and Successors, the highest Yearly Rent, that in any one of the then next Succeeding Seven Years, the same yielded, and any such Lease made contrary to the Act to be void.

LXVI. The several Rates and Duties of Excise, Set and Imposed by this Act, to be Received, and Levyed within the Kingdom, shall be for the Use of the King, His Heirs and Assigns for ever, and all Powers and Authorities Given and Granted by the Act, shall be Exercised, Continued and put in Execution for ever.

LXVII. And all the several Rates and Duties of Excise, and all Fines Penalties and Forfeitures, or other Sums of Money Rated, Imposed, Set or Forfeited in and by the Act, are Declared to be Meant and Intended Currant and Lawful Money of England, and the same is to be Demanded, Received and Paid accordingly.

LXVIII. Then lastly after this foregoing Clause follows the Book of Rates (mentioned in the Act) Containing the Values of the several and respective Goods and Merchandises Imported, which being long and tedious, and the same being Printed by it self, and to be had at all (or most) Booksellers Shops in Town, I thought it therefore not requisite or necessary to be Inserted in this Abridgment.

LXIX, Stat. 14, & 15. Car. 2. Sess. 4. Cap. 9. Enacted that the Rates mentioned in the Book of Poundage, and Tunnage, annexed to the Act, shall be the Rates according to which all Goods and Merchandise of every Merchant, Natural born Subject, Denizens and Aliens, to be brought into all or any part of this Kingdom, or Carried out of the same, of the value of every 20 shillings thereof (as they are Valued in the said Book) shall pay 12 pence English Money. And that the said Book of Rates, together with certain Rules, Orders and Directions, for Advancement of Trade

Trade, and the Encouragement of Merchants thereunto Annexed. And every Sentence and Rule, in the before mentioned Book of Rates, and certain Rules, Orders and Directions aforesaid, shall be and remain as Effectual to all Intents and Purposes as aforesaid, as if the same had been particularly Included in the Body of this Act.

LXX. The King, His Heirs and Successors, shall Have and Receive for ever of every 20 shillings Value of any the Native Commodities of this Realm, or Manufactures wrought of any such Commodities to be Carried out of this Realm, by every Merchant Stranger, or other Alien (according to the Value thereof in the aforesaid Book of Rates Expressed) 12 pence of like English Money, over and above the 12 pence aforesaid Imposed. And also one Subsidy called Tunnage, (That is to say) of every Tun of Wine of the Growth of *France*, or French-King's Dominions, that shall be brought into all and every the Ports and Places of this Realm, by the King's Natural born Subjects of this Realm, or any other His Dominions, 3 pounds 10 shillings of Lawful Money of *England*; And by Strangers and Aliens Four pounds Thirteen Shillings Four pence of like Money; and of every Butt or Pipe of Muscadine, Malmseyes, Cutes, Lents, Allicants, Bastard Sacks, Canaries, Malligoes, Maderaes, and all other Wines whatsoever commonly called Sweet Wines, of the Growth of the *Levant*, *Spain*, *Portugal*, or any other of the Islands or Dominions thereunto belonging, to be brought in, by any Natural-born Subject as aforesaid, 2 pounds 10 shillings of like Money; and by Strangers and Aliens, 3 pounds 6 shillings 8 pence; and of every Awm containing 42 Gallons of Rhenish Wine, of the Growth of *Germany*, brought, &c. by Natural-born Subjects, 15 shillings of like Money; and by Strangers, and Aliens, 20 shillings. Of every Tun of Rape, and Lin-Seed Oyls, containing 252 Gallons, brought, &c. by Natural-born Subjects, 1 pound 10 shillings of &c. by Strangers and Aliens, 1 pound 17 shillings 6 pence; and of every like Tun of *Sevil*, *Majorca*, *Minorca*, *Apuglia*, *Province*, or *Portugal* Oyl, brought, &c. by Natural, &c. 2 pounds 12 shillings; of like, &c. by Strangers and Aliens, 3 pounds 5 shillings: Of every like Tun of Sallet Oyl, brought, &c. by Natural &c., 3 pounds 3 shillings; or like, &c. by Strangers and Aliens, 3 pounds 18 shillings 9 pence: Of every like Tun of Train Oyl of *Green-land*, brought, &c. by Natural, &c. 8 shillings; of like. &c. by Strangers and Aliens 10 shillings: Of every like Tun of Train Oyl of *New-found-land*, brought, &c. by Natural, &c. 6 shillings; of like, &c. by Strangers and Aliens, 7 shillings 6 pence: Which Rates being the same that are Expressed in the Books of Rates before mentioned and no other, shall be Levyed and Taken upon all Goods whatsoever, Imported or Exported into, or out of any Port of this Realm; and so Proportionably for a greater or lesser Quantity, (excepted always and foreprized) Prisage and Butlerage.

LXXI. If any Goods aforesaid, of any Merchant being born Denizen of this Realm, or of any other the King's Dominions, shall be taken by Enemies or Pirates upon the Seas, or perish in any Ship that shall happen to be Perished or Taken, whereof the Subsidies and Duties shall be paid or agreed for; and proved before the Lord Treasurer or Chief Baron of the Exchequer, by the Examination of the said Merchants (if living) or of their Executors or Administrators (if dead) or by two credible Witnesses

nesses at the least Sworn, or other reasonable Witnesses and Proof Sworn; then the same Merchants, their Executors or Administrators, may newly Ship in the same Port (where the Goods aforesaid shall be Customed) so much other Goods as those so lost; as aforesaid, shall amount unto in Custom, without paying any thing for the same, so as the same Proof be Recorded and Allowed in the Exchequer, and Certified unto the Collector of the Customs of the Port where the same Goods are to be newly Shipped without Custom, as aforesaid.

LXXII. No Owner, Master, Skipper, Purser, or other person taking Charge of any Vessel, or of any Merchants Goods, shall receive into any Vessel whatsoever, any Goods to be Transported into any of the parts beyond the Seas, before he shall have signified to the Customer of the Port where he Ladeth, and other Officers there, in the open Custom-house (if any such be there) or else at their usual place of Residence, that he Intendeth to Lade, and to what place to pass; nor shall after full Lading depart out of the Port or Place, before he signifie unto the Officer aforesaid, of his Lading, and what Merchants and other persons have Lading in his Vessel; and further to answer to such Questions as shall be Interrogated of him by the Officer (concerning such Wares he shall have Laden) upon Oath, in the open Custom-house, or otherwise as aforesaid, upon pain to Forfeit for every such Default, or not truly answering to the Questions Demanded, an 100 pounds of current Money of England. And no Owner, &c. taking Charge of any Vessel, where any Goods shall be Laden or brought from any the parts beyond the Seas, shall Discharge into any Lighter, Gabbard, &c. and lay on Land, or procure or suffer to be Discharged, &c. any Goods whatsoever, before such Owner, &c. shall have first Entred into a sufficient Obligation, with known Sureties to the King, in such Sum as the Collector of the Port where he Arrives shall Judge meet, that the Vessel brought in by him, shall not Sail thence without being fully Cleared and Discharged by the Collector or Searcher of the said Port: And shall likewise have Delivered under his Hand to the Officer there, a Bill of the particulars and Contents of the whole Lading, with the Names of the several Merchants or Laders, and the Mark, Package, or outward Form of the Goods; and shall make Declaration, that he hath not broken Bulk, since he came into the Port, nor into any other Port of this Realm, otherwise then in the said Bill is Expresed; and shall have truly answered such Questions touching such Goods as shall be then Laden in any such Vessel, as shall be to him Administred by any such Officer openly in the Custom-house, or in such other place as aforesaid upon Oath (if thereunto required) upon pain to Forfeit for every such Default as aforesaid, an 100 pounds of like Money.

LXXIII. None shall Lade or cause to be Laden or put off, or from any Wharf, Key or other place on the Land, into any Lighter, &c. to be Transported into any place beyond the Seas, or take up, discharge or lay on Land, or cause to be taken up, &c. (not being in Leaks or Wrack) and laid on Land, any Goods whatsoever, brought from any parts beyond the Seas, but only in the day light (that is to say) from the First of March unto the Last of September, between the Sun Rising and the Sun Setting; and from the Last of September unto the First of March, between the

the hours of 7 in the Morning and 4 in the Afternoon, and in and upon some such Key or Wharf, as the Lord Lieutenant, &c. and Privy Council, shall appoint within the Port of Dublin, and all other Ports, &c. of this Realm, where a Customer, Controller and Searcher, or their Deputies have Accustomably been Resident, or hereafter shall be Resident, upon pain of Forfeiture of all such Goods so Laden and Discharged otherwise, or the value thereof; and none shall Receive into any Vessel, any Goods to be Transported into any place beyond the Seas, nor Discharge or Lay on Land out of their Vessel (not being in Leak or Wrack) any Goods brought from any parts beyond the Seas, into any other places, or at any other hours or time, than is before appointed, upon pain that the Owner or other person taking Charge of such Vessel, &c. shall Forfeit for every such Offence an 100 pounds of lawful Money of England; and the Mate, Boatswain, or any of the Marriners committing such Offence, to Forfeit treble the Value of the Subsidy or Customs of such Goods, or Imprisonment (not exceeding the space of 12 Months) at the Will of the Chief Governour or Governours of this Realm, or of the Barons of the Exchequer, or any Two of them.

LXXIV. The Commissioners and the respective Customers and Collectors of the Customs, or their Deputies (for whom they will Answer) by his or their Warrant or Warrants in Writing, upon the Arrival of any Vessel with Goods, from any parts beyond the Seas, may secure or take out from thence all fine Goods of small Bulk or Packing, as they have cause to Suspect their being intended to be Conveyed on Shoar without Payment of Customs for the same, and to put them into the Ware-houses of the respective Custom-houses, there to Remain till their Duties be paid: And if any Vessel Importing any Goods as aforesaid, shall not fully Unload or Deliver all the Goods Imported therein, within 28 Days after her Arrival (Wind and Weather permitting) in some Port of this Realm, then the said Commissioners, &c. or their Deputies, may Unlade and take on Shoar all the Goods, which shall be found in such Vessel, and secure the same in the Ware-houses or elsewhere, and the Charge thereof to be born by the Merchants, Owners or Claimers thereof, at such moderate Rates as the Commissioners, &c. or their Deputies shall Judge equal, and in Case of Grievance therein, the Parties may Appeal to the Chief Governours of this Kingdom, who are Impowered to Determine the same; and if any Refuse to permit such Fine Goods or such other Goods to be taken out and Secured as aforesaid, he or they, so Refusing, shall (upon Proof thereof) Forfeit 100 pounds of like Money of England.

LXXV. Provided that if any Goods so Unladen, out of any Vessel, shall afterwards be Purloined, Imbeziled, wilfully Spoiled or Impaired, the Officer or Ware-house-keeper (under whose Charge they shall be) in such Case, shall make full Satisfaction to the Owner or Claimer of the same to be Adjudged by the Barons of the Exchequer or any two of them; and the Commissioners of the Customs are to take good Security of the Officers Employed therein, in and about the Premisses.

LXXVI. If any Goods (whereof the Subsidies aforesaid shall be due) shall at any time be Shipped, or put into any Lighter, &c. to the intent to be carried into any the Parts

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**Plo. Com.** beyond the Seas, or else being brought from thence, into any  
 fo. 4. usq; Port or Place of this Realm (except in Cases of Necessity  
 fo. 20. b. when such Goods are in Danger of Perishing) shall be Un-  
 shipped, to be laid on Land, without knowledge of the Com-  
 missioners, &c. or before due Entry thereof made, and Customs not  
 paid, nor Lawfully Tended to the Collector thereof or his Deputy, with  
 the Consent of the Controller and Surveyor, and any one of them at the  
 least, and Warrant past for the same, that then all such Goods as afore-  
 said, or the Value thereof shall be Forfeited.

**LXXVII.** If any Goods Imported from beyond the Seas, shall be Unship-  
 ped and put into any Lighter, &c. without Consent of the Commis-  
 sioners, &c. or their Deputy or Deputies, Testified by a Note under his  
 or their Hand or Hands, that then every such Lighter, &c. (in which  
 such Goods shall be put) shall be Forfeited: That before and during the  
 Unlading of any Vessel after their Arrival in any part of this Realm, the  
 Commissioners and respective Customers and Collectors of the Customs,  
 may (where and as often as they see Cause) Appoint one or more Tide-  
 Waiters, or Officers, to go on Board every such Vessel, either from be-  
 yond the Seas, or from any other Port within this Realm, and there to  
 Remain on Board, until the Goods of such Vessel shall be Unladen, and  
 they shall be thence Discharged.

**LXXVIII.** And if any Master, Owner, or other taking Charge of any  
 Vessel, will not suffer any Waiter or Officer to come on Board their Ves-  
 sel, and there to Remain as aforesaid; and if after the Clearing of any  
 Vessel by the Commissioners, &c. or Discharging the Tide-Waiters or o-  
 ther Officers from on Board such Vessel, there shall be found any Goods  
 therein, which have been Concealed from the knowledge of the Officer  
 on Board, and for which the Customs due for the same are unpaid, in e-  
 very such Case the Master, &c. shall Forfeit for every such Offence, 100  
 pounds of like Money of England.

**LXXIX.** Every Merchant and other Person whatsoever, Entring any  
 Goods to be Shipped or Landed, shall make Entry thereof particularly,  
 and Deliver a Bill thereof at large under his Hand or the Hand of his Af-  
 signee (for whom, he shall be responsible) to the Collector, expressing the  
 name of the Ship and the Master, the Burthen, of whence, and from  
 what Place Freighted, with Marks and Numbers of the Fardels, Bulks  
 and Package, in the Margin, and the Quantities of the Goods that are  
 therein contained, and so by him Entred, upon pain that the Offender not  
 Entring in such Form and Manner, shall for every time Forfeit 10  
 pounds of like English Money: And if any make undue Entry of the  
 Quantity and Quality of his Goods, every such Offender shall Forfeit all  
 such Goods or the value of them, which shall be short or unduly Entred.

**LXXX.** None shall carry any Goods Prohibited, or whereof any the Du-  
 ties aforesaid are Payable, to Discharge the same into any other Port of  
 this Realm, unless they do before the Shipping, Declare to the Collectors  
 of the Customs or their Deputies, together with the Customer or Control-  
 ler of the said Port (where the same shall be Shipped) in the open Custom-  
 House, the Nature, Length, Number, or other Contents or Value of the  
 said Goods, and with the Approbation of the Collector or his Deputy,  
 shall

shall also Enter into sufficient Obligation with sufficient Sureties to the King, in double the Value of the Goods so Declared, with Condition, that the same shall be Discharged at some Lawful Port within this Realm, and no other Port whatsoever, which Bond the said Officers are Authorized and Required to take accordingly.

LXXXI. And in Case any of the said Goods shall be Shipped in any other Vessel, to be Transported between Port and Port as aforesaid, before such Declaration be made and Security be given as aforesaid; that then the said Goods or their Value should be Forfeited, and the Person Shipping the same, and that shall be Bound as aforesaid, shall within 2 Months next after the Shipping thereof, bring or cause to be brought, a true Certificate under the Hand and Seal of the Office of the Customers, &c. of the said Place, where the same shall be Discharged, Testifying that the said Goods so Shipped, and the true Nature, Length, &c. and Value thereof, are there Discharged and Landed, which the Customer and Controller of such Port or Place, shall upon the Discharge thereof, Deliver to the Party or his Factor without Delay.

LXXXII. Every Merchant which shall bring any manner of Goods into any Port of this Realm, and there Entring and Paying the Customs of the same, that will afterwards carry away the same or any part thereof from thence into any other Port of this Realm: Then the Owner of the said Goods or his Attorney, shall bring from the Collector and Controller of the part where the said Goods shall be so Entred, a Certificate, under their Seals Directed to the Customer and Controller of the Port where the said Goods shall be Conveyed, mentioning therein, as well their Quality as the Quantity of the Weight, Number or Measure, of the same; and that the same Certificate so made, be Delivered to the said Officers before the said Goods be Discharged, that so they, or such as they shall Appoint, may see and Try whether the Quality, Quantity, &c. of the same, do Agree with such Certificate. And if any Certificate shall not be duly made in Form aforesaid, then the said Customer or Controller shall lose his Office; and if any such Goods or any Parcel thereof, be Discharged and Unpacked or put to Sale within any other Port, than within the same where they shall be first Entred, before the said Certificate shall be Delivered, and the Goods seen as aforesaid, the same shall be Forfeited.

LXXXIII. No Person shall Enter or cause to be Entred into the Book of any Customer, or any other, or Officers of any Port within this Realm, or their Deputies, any manner of Goods whatsoever, coming from any Parts beyond the Seas, in the Names of any others than the very Owners or Proprietors of the same, being not Sold, Bargained or Contracted for, to or with any other Persons, before such Entry or before the Arrival of such Goods, upon pain of Forfeiture of the same or their Value, that shall be Entred otherwife.

LXXXIV. The Collectors, Surveyor, Searcher, Waiter, or other Persons (Authorised thereunto by the Commissioners of the Customs under their, or the Major part of their Hands and Seals) may go on Board, and enter into any Vessel whatsoever, as well by Night as Day, being within any the several Ports, &c. or other Places within this Realm, and likewise at any time of the Day, may go and enter into any the Cellars,

Cellars, Shops, &c. (where they shall have cause of Suspicion) to see and search for any Prohibited Goods; and likewise any Goods, either put on Board any Vessel or taken out and carried away, or intended to be carried away, the Customs not being paid; and to Seize or Secure the same, in the Ware-houses at the Custom-houses of the respective Ports, there to Remain until they shall be Discharged by due Course of Law.

LXXXV. All Defaults of such as shall Attempt to do any thing against the Tenor of this Act, or of the Rules, Orders and Directions before mentioned, in and to the Book of Rates to be Annexed, or to any of them (Except as hereafter is Excepted) shall be Heard, Enquired and Determined by the Barons of the Exchequer; and the Moyety of all Fines, Penalties or Forfeitures, shall be to the King, His Heirs and Successors, and the other Moyety to him or them that shall Seize, Sue for or Prosecute the same by Action, Bill, &c. in the said Court, wherein no Wager of Law, &c. shall be Allowed.

LXXXVI. Provided no Prosecution or Proceedings be against any Goods, until the Seizures be Registered and Entred with the Register, or Officer Appointed for that purpose in the Port of Dublin, and Certified by him to be so Entred and Registered, and until such Goods be secured and laid up in the Ware-houses, at the Custom-houses of the respective Ports as aforesaid: And in Case the Commissioners of the Customs Apprehend any Neglect or Delay in the Prosecutor as aforesaid, then they may appoint any other to prosecute, whom they shall think fit, who shall be the lawful Prosecutors and Seisors to all Intents, and to whom the Moyety of the said Seizures and Forfeitures shall be Due and Payable and to no other.

LXXXVII. Enacted that the Lord Deputy, &c. shall have Yearly, for the Provision of their House of such Wines as shall be brought into this Realm, Twenty Tuns, Free and Discharged of all Customs; and shall have Power to Grant and Appoint unto every of the Privy Council, and to the King's Learned Council, and Clerk of the Privy Council of this Realm, such Quantity of Wines Custom Fee, as they shall think fit, to be meet and convenient for every of them after their Degrees.

LXXXVIII. None to be Charged with any Penalty or Forfeiture, for any thing done contrary to this Act, unless they shall be Prosecuted for the same, within 12 Months after the Offence Committed.

LXXXIX. No Town Bargain shall be required, nor any Merchant or other hindred from Disposing of their Goods, without offering them first to some Burgeses or Free-men of the City, Corporation or Town where they Arrive; but that after paying all Duties by Law due and payable for their Goods Imported, they may at their pleasure, freely without Molestation, Sell and Dispose of the same, any Charter or Custom to the contrary notwithstanding.

XC. No more Petty-Customs due and payable by Merchants Strangers, to any City or Town Corporate of this Realm, shall be paid, for any more or other Commodities than were Chargeable with the same, by Ancient Custom and prescription, and not according to the Increase of the King's Customs by his Book of Rates, nor of any Wares or Commodities by Virtue of any Grant made by any of the King's Predecessors of such Petty-

Petty-Customs, to any City or Town Corporate, at any other greater Rates than the same were either paid by the Merchants Strangers, at the time of granting the same, or as the same were taken in the 15th. year of the late King *Henry the Seventh*, upon pain that every person receiving greater Petty-Customs than as aforesaid, shall for every such Offence Forfeite double the Value of what shall be Exacted more than as aforesaid, (saving unto *Wentworth Earl of Kildare*, and the Heirs of the Body of *Gerald Fitz Gerald Earl of Kildare*, all such Right and Title to the great and little Customs, Poundages, Subsidies and Duties, together with the Cocquet and Power of Constituting Officers therunto belonging, in the Ports of *Strangford* and *Ardglass*, in the County of *Down* and Province of *Ulster*, and the Greeks thereunto appertaining, as they or any of them can Claim or Demand by any Letters-Patents made by King *Henry the Eighth* to the said *Gerald Fitz Gerald Earl of Kildare*, as fully as the same was thereby Granted.

XCI. After this foregoing Clause is Inserted the Book of Rates of Merchandises Inwards and Outwards, and then follows this ensuing Clause, *viz.* And if there shall happen to be brought in or carried out of this Realm, any Goods lyable to the payment of Custom and Subsidy (which either are not mentioned in this Book, or are not now used, to be brought in or carried out, or by reason of the great diversity of the Value of some Goods could not be Rated) that in such Case, every Customer or Collector, shall Levy the said Custom and Subsidy of Poundage, according to the true Value and Price of such Goods, to be Affirmed upon the Oath of the Merchant, in the presence of the Customer, Collector, Controller and Surveyor, or any Two of them.

XCI. Then after this Clause follows, certain Rules, Orders, and Directions for the Advancement of Trade and Encouragement of Merchants, &c. and after them a Table of Fees (to be taken by the Officers) is Inserted: After which comes this Clause following, *viz.* And if it so happen that the Fees above mentioned (by reason of the smallness of Trade in any Port of this Kingdom) shall appear to be too little, and not sufficient for the Maintenance of the Officers there, that then the Lord Lieutenant, &c. and Privy Council may Establish such Salary to be paid Yearly to the said Officers, out of the King's Exchequer, as they shall think fit, and as the Care and Pains of such Officers may justly Deserve.

XCI. The afore mentioned Book of Rates, and the Rules, Orders and Directions for the Advancement of Trade, &c. and Table of Fees, &c. being very long, and Printed by themselves in a Pocket-book, and to be had at most Book-sellers, I have therefore Omitted their Insertion here.

XCVI. Provided that it shall be lawful for the Taster of all Wines, Oyls, and other Liquors Imported into any Port of this Kingdom, and the Surveyor of the Outs and Defects of the same, to demand and receive the Fees following, *viz.* For every Butt, Pipe, Puncheon, or large Cask, that shall be Tasted or Surveyed 6 pence, and for every Hogshead, Tierce, Barrel, Runlet, or smaller Vessel, 3 pence.

XCV. It is provided also, that all Silks and Silk Manufactures Imported into this Kingdom, from any Foreign parts (other than from *England* or *Wales*) shall pay one Third part more, over and above the Rates Imposed and Set, by the Book of Rates above mentioned.

**XCVI.** A *Proviso* likewise, that all Sugars, Indicoe, Ginger, Cotton Woolls, as all other Woolls, and all other Commodities of the Growth or Manufacture of any the English Plantations, first Imported into and Land-ed in *England* or *Wales*, and afterwards Exported thence into this Kingdom, shall pay but one half of all such Custom and Subsidies as is Im-posed upon them according to the said Book of Rates ; and that all Wines and Tobaccos, of what sort soever, Imported into this Realm out of *England* or *Wales*, shall pay so much only in Subsidy, as upon the Exportation thereof out of *England*, shall or ought to be Re-paid or Discharged of the Subsidy of Tunnage and Poundage, and Additional Duties there paid or secured for the same : And that for all other Foreign Com-modities (except Wines and Tobaccos and Commodities from the English Plantations above mentioned) Imported into this Kingdom, by any the King's Subjects, from any the parts beyond the Seas (other than from *England* and *Wales*) there shall be paid to the King, His Heirs and Suc-cessors for ever, one Third part more in Subsidy, over and above that payable for the same according to the Book of Rates above mentioned ; and that for all or any the Commodities or Merchandises mentioned in this Act, or in the said Book of Rates, which shall be Imported or Exported by any Aliens or Strangers, born out of the King's Allegiance, they shall pay double the Custom or Subsidy (payable by Virtue of this Act) for the same, over what is paid by any of the King's Natural-born Sub-jects.

**XCVII.** A *Proviso* that every Ship belonging to any the Subjects of the French King, which shall come into any Port, &c. of *Ireland*, and there Lade or Unlade any Goods, or set on Shoar any Passengers, to pay to the Collectors of Customs, in such place, for every Tun of which she is of Burthen (to be Computed by such Officer as shall be thereunto appointed) the Sum of 5 shillings Current Money of *England*, and not to suffered to depart out of such Port, &c. till Payment ; and this Duty to continue to be Collected and Paid for such time as a certain Sum of 50 Sols per Tun (then Imposed by the French King) should continue to be Collected upon the Shipping of *England* Lading in *France*, and Three Months after and no longer.

**XCVIII.** Stat., 7. Gul. 3. Sess. 1. Cap. 16. All Tobacco, Old-Drapery and New-Drapery (except such Old and New-Drapery that shall be of the Manufacture of *England* and Imported thence) Muzlin, Callicoes, all sorts of Linnen, Scotch Cloth and Wines (except Wines of the growth of *Spain*, and of the Dominions thereunto belonging) to be Imported into this Kingdom at any time after the day of the Royal Assent given to this Act unto the 25 day of December, 1699. and no longer, shall pay to the King, His Heirs and Successors, over and above all Rates and Duties pay-able for the same, by virtue of any former Laws in Force at the making of this Act, the Rates and Duties hereafter mentioned (That is to say) for every pound weight of Tobacco Imported within the time, One pen-ny half penny *Sterling* ; and for every Yard of Old-Drapery (except as before excepted) twelve pence *Sterling* ; and for every Yard of New-Dra-pery (except as before excepted) Four pence *Sterling* for every Ell of Muzlin, Callicoe, and all other sorts of Linnen (Scotch Cloth excepted)

Six pence *Sterl.* and for every Yard of Scotch Cloth Six pence *Sterl.* For every Tun of Wine (except Wines of the growth of Spain or the Dominions thereunto belonging) three pounds *Sterl.* and so proportionably for a greater or lesser Quantity.

**XCIX.** The several Duties aforesaid, to be Collected and Paid to the King during the time aforesaid, at the same times, and in the same manner and places, and by such Ways and under such Penalties as are mentioned in one Act of Parliament made in a Session of Parliament which began the Eighth day of May 13. Car. 2. Intituled, *An Act for Settling the Excise or New Impost, &c.* which said Act see in this Title from §. 1. to §. 69.

C. Declared by this Act (for the clearing of a Doubt then Arisen about the Imposition Charged on Tobacco) that no more than Two-pence half-penny for every pound Weight of Tobacco Imported into this Kingdom is payable, or do of Right belong unto the King or any of His Predecessors by virtue of any Act or Acts of Parliament or Laws whatsoever in Force in this Kingdom, before or at the time of Passing this Act; other than the Additional Duty of One penny half-penny *per Pound*, Charged as aforesaid.

**CI.** The Merchant or other Importer of any Tobacco so Charged as aforesaid, with the said Additional Duty of One penny half-penny *per Pound weight*, to have like time for payment thereof, as they had by virtue of the above-named Act of Excise or New-Impost.

**CII. Stat. 9. Gul. 3. Sess. 1. Cap. 29.** Enacted that an Additional Duty of One penny *per Pound* shall be Raised and Levyed upon all Tobacco found in the hands of any Merchant or other person whatsoever in this Kingdom, the First Day of November, 1697. whensoever the same was Imported; and also all Tobacco that shall be Imported into this Kingdom after that day, until the 25th Day of December, 1699.

**CIII.** And after 24th Day of December, 1699. (at which time the **Stat. 7. Gul. 3. Cap. 16.** before mentioned does Expire) unto the 25th day of December, one + 702. and no longer, shall be paid to the King, His Heirs and Successors, over and above all Rates and Duties due and payable for the same, by virtue of any former Law in Force in this Kingdom (except only the several Statutes formerly made in this present Session of Parliament, which laid several Additional Duties on the said Goods, until the 25th day of December, 1699.) the several Duties hereafter mentioned (That is to say) For every pound Weight of Tobacco, to be Imported within the time aforesaid, Two pence half-penny *Sterling*; And for Muslin, Callico and all other sorts of Linnen (except Scotch Cloth) 6 pence for every Ell; and 6 pence for every Yard of Scotch Cloth: And for every Tun of Wine (except Wine of the growth of Spain and the Dominions

<sup>†</sup> The Word (Thousand) being omitted in this Clause, it is Enacted in a Clause of the Act made in the Second Session of this Parliament for Reforming Abuses in Packing Butter. 10. Gul. 3. Cap. 1. That these Additional Duties shall be payable to the King from the 24th of Dec. 1699. to the 25th of Dec. 1702. and no longer, in the same manner as if the Word (Thousand) had not been omitted.

thereunto belonging) 3 Pounds, and so proportionably for a greater or lesser Quantity : The said several Duties to be Collected and Paid unto the King, His Heirs and Successors (during the time aforesaid) at the same time, and in the same Manner and Place, and by such Ways, and under such Penalties as are mentioned in the Stat. Car. 2. For settling the Excise and New-Impost, &c. above mentioned, §. 99.

CIV. Provided that the Merchant or other Importer of any Tobacco so Charged as aforesaid, with the Additional Duty of One penny per Pound Weight, until the 25th Day of December, 1699. and Two pence half penny per Pound until the 25th Day of December, 1702. shall have like time for payment of such Additional Duties as they had or ought to have by virtue of the above named Act of Excise and New-Impost.

CV. After the 24th day of December, 1698 (at which time the Act of the 7. Gul. 3. Sess. 1. Cap. 23. for continuing the Statute for an Additional Excise upon Beer, Ale and other Liquors did Expire) It is Enacted, there shall be paid throughout the Kingdom of Ireland, to the King, His Heirs and Successors, unto the 25th day of December, 1702. For Beer, Ale and other Liquors hereafter expressed, by way of Excise, over and above all other Duties then payable, the Duty hereafter following (That is to say) For every 32 Gallons of Beer or Ale, above six shillings the Barrel price, Brewed within this Kingdom, by the common Brewer or in his Vessels, by any other (who doth or shall Sell Beer or Ale publickly or privately) by the common Brewer or other, 1 shilling 6 pence, and so proportionably for a greater or lesser Quantity ; and for every 32 Gallons of Beer or Ale of 6 shillings price or under, 3 pence and so proportionably for a greater or lesser Quantity, and over above what would be payable for the same, if this Act were not made.

CVI. And for the time aforesaid, an Additional Duty of Excise shall be paid to the King, His Heirs and Successors, of 3 pence upon every Gallon of Aqua-vitæ, Strong-waters and Balkan, or other potable Spirits, Made or Distilled in this Realm for Sale, whether of Foreign or Domestick Spirits or Materials, the same to be paid by the first Maker or Distiller thereof; and so proportionably for a greater or lesser Quantity, over and above all other the Duties that would have been payable for the same, if this Act had not been made.

CVII. The said several Rates and Duties, Granted on the several Liquors aforesaid, to be Collected and Paid to the King, by such Rules and at such Time and under such Penalties as are limitted in the Act for Setting the Excise or New-Impost mentioned here before §. 103.

CVIII. No Inn-keeper, Victualer or other Retailer of Beer or Ale (during the continuance of the aforesaid Duties on Beer and Ale by this Act Imposed) shall be Sued, or molested by Indictments, Informations, Action or otherwise, for Selling and Uttering of Beer and Ale, at any other and higher prices than the price heretofore Limitted and Appointed; but that all Officers, and other Persons concerned in the Assizing of Beer and Ale throughout this Kingdom, shall take care to Assize the same with Regard to the Additional Charge or Duty aforesaid.

CIX. A Clause for every Merchant, &c. Inhabiting or trading within this Kingdom, to give a true Account under their Hands to the Commissioners

oners of Excise, &c. upon Oath, of all Tobacco remaining in their Possessions the First day of November, 1697. and to suffer their Cellars, Vaults, &c. to be Searched, &c.

CX. Stat. 10. Gul. 3. Sess. 2. Cap. 4. For Defraying the publick Expence of this Kingdom, and also for Building a sufficient number of Barracks therein, in Addition to the Barracks and Redouts already Built or begun; It's Enacted that an Additional Duty of One penny per Pound be levied upon all Tobacco, that shall be Imported into this Kingdom, after the 24th day of December, 1698. until the 25th day of December, 1702. to be paid over and above all Rates and Duties payable for the same, by vertue of any former Law in this Kingdom.

See afterwards in Tit. Gratuities.  
§. 1.

CXI. All Tobacco that shall be Imported into this Kingdom, after the 25th day of December, 1702. until the 24th day of June, 1703. shall pay to the King, His Heirs and Successors, the Additional Duty of Three pence half penny for each pound Weight of Tobacco; so to be Imported, over and above the Duty of Two pence half penny per Pound, payable to the King out of each Pound Weight of Imported Tobacco, by vertue of the Laws in Force in this Kingdom, before the Commencement of this Parliament, so as during the time aforesaid, all Tobacco Imported, shall, by vertue of this Act, pay Three pence half penny for each Pound Weight, over and above the Hereditary Revenue due to the Crown out of the same; and each Pound of Tobacco Imported between the 25th of December, 1698. and 24th of June, 1703. shall pay in the whole Six pence per Pound, during the time aforesaid and no more or greater Duty.

CXII. Which said several Duties of One penny per Pound, and Three pence half penny per Pound shall be Collected and paid unto the King, His Heirs and Successors, during the respective times aforesaid, at the like times and in the same Manner and Place, and by such Ways, and under such Penalties, as are Appointed by an Act of Parliament made in a Session of Parliament, which began 17th of April, 14. Car. 2. Intituled, *An Act for Setting the Excise or New-Impost upon the said late King, Car. 2. His Heirs and Successors, according to the Book of Rates in the said Act Inserted.* Which Act see here in this Title Abridged from §. 1. to §. 69.

CXIII. Provided that the Merchant or other Importer, so Charged as aforesaid, with the Additional Duty of One penny per Pound Weight, until the said 25th day of December, 1702. and with the said Additional Duty of Three pence half penny per Pound Weight, from the said day, until the said 24th day of June, 1703. shall have like time for Payment of the same, as they had or ought to have for payment of the Duty laid on Tobacco by vertue of the above-named Act of Excise or New-Impost.

### Execution.

I. Stat. 10. Car. 1. Sess. 3. Cap. 7. If Lands delivered in 32. H. 8. Execution to any, upon any just Title (wherewith they were Cap. 5. En. lyable and bound at such time as they were taken in Execu- Ve. Plo. fo. tion) be Recovered or lawfully Evicted out of the Possession of 72. Co. Lit. him who has them in Execution, without any Fraud or De- fo. 289. b. fault of him, before such time as he, his Executors or Assigns 4. Rep. fo. shall

64. b. 66. shall have fully Levyed or Received the whole Debt and Damages. Then every such Recoveree, Obligee and Cognizee, fo. 87. Cro. may have a *Scire facias* out of the Court from whence the said Jac. fo. Writ of Execution did proceed, against him that the said Writ 693, 694. of Execution was first pursued, his Heirs, Executors and Aspl. 6. Bulst. signs, of such Lands and Tenements, as were or be then liable to the said Execution, Returnable into the same Court at 97. Godbolt a certain day (being 40 days after the date of the said Writ) at Rep. pa. which day, if the Defendant (being lawfully Warned) make 258. pl. Default, or Appear, and do not shew and plead a sufficient 354. Dyer. Cause (other than the Acceptance of the said Lands, by the fo. 299. said former Writ of Execution) to Bar or Avoid the said Sute, for the residue of the said Debt and Damage remaining unlevied by the former Execution; then the Lord Chancellor, or other Justice or Justices before whom such *Scire facias* shall be Returnable, shall make a new Writ of Execution upon the said former Record of Judgment, Statute-Merchant, Statute-Staple or Recognizance, for levying the Residue of all such Debt and Damages, as shall then appear to be unlevied and unpaid of the whole Sum or Sums in the said former Writ of Execution contained.

3. Jac. 1. II. Stat. 10. Car. 1. Seff. 3. Cap. 8. No Execution shall be Cap. 8. Eng stayed or delayed, upon any Writ of *Error* or *Supersedeas* thereupon to be Sued out, for the Reversing of any Judgment given in any Action of Debt upon Bill or Obligation, or for Rent, or upon any Contract, in any of the King's Four Courts of Record, viz. Chancery, King's Bench, Common-Pleas and Exchequer, unless the Plaintiff, with two sufficient Sureties (such as the Court wherein such Judgment is given, shall allow of) shall first (before such *Supersedeas* be Awarded) be bound to the Party for whom (such Judgment is given) by 265. Bulst. Recognition to be acknowledged in the same Court, in double Rep. 2. part fol. 53. the Sum Adjudged to be Recovered by the former Judgment, 284. Moo. to prosecute the said Writ of *Error* with Effect; and also to Rep. fol. 853. pl. pay (if the Judgment be Affirmed) all the Debts, Damages and 1165. Cro. Costs, Adjudged on the former Judgment, and all Costs and Jac. fol. f. 329. 392. Damages to be also Awarded for delaying the Execution by 2. Roll. fol. the Writ of *Error*.

140. Telv. Rep. fo. 227. Siderf. Rep. fo. 183. 368. 418. Lit. Rep. fo. 3.

21. Jac. 1. III. Stat. 10. Car. 1. Seff. 3. Cap. 9. The Party or Parties Ca. 24. En. at whose Sute, or to whom any Person shall stand Charged in Ve. Co. 5. Execution for any Debt or Damages recovered, his or their Rep. fo. 86. Executors or Administrators, may after the Death of the said b. 87. a. Person so Charged and dying in Execution, lawfully Sue forth Hob. Rep. and have new Execution, against the Lands and Tenements, fo. 61. 62. Goods and Chattels or any of them, of the Person so Deceased, Cro. El. fo. in such Manner and Form to all Intents, as he or they, or any 850. pl. 6. of them may have had by the Laws and Statutes of this Realm, G. o. Jac. fo. as

# Execution. Exemplifications.

101

as if such Person so deceased, had never been taken or Charged in Execution.

136. pl. 11,  
143. pl. 2.

IV. Provided that this Act shall not extend to give Liberty to any Persons, their Executors or Administrators, at whose Sute any such Person shall be in Execution, and dye in Execution, to have or take any new Execution, against any the Lands, of such Party so dying in Execution, which shall at any time after the said Judgment or Judgments be by him Sold *Bona fide*, for the Payment of any his Creditors, and the Money which shall be paid for the Land so Sold, either paid or secured, to be paid to any of the Creditors with his Privity and Consent, in Discharge of his or their due Debts, or some part thereof.

V. Stat. 10, & 11. Car. 1. Seff. 4. Cap. 12. If any Person be Arrested and taken in Execution and by Priviledge of either of the Houses of Parliament is set at Liberty, the Plaintiff, his Executors or Administrators, as soon as such Priviledge of that Session of Parliament shall cease, may Sue out a New-Execution against him, as if no such former Execution had been taken forth or served: And no Sheriff, Bailiff, or other Officer, from whose Arrest or Custody any such person (so taken in Execution) shall be delivered by such Priviledge, shall be chargeable with or by any Action whatsoever, for such Deliverance out of Execution.

1. Fac. 1.  
Cap. 13.  
Engl. Ve.  
Palmer's  
Rep. fo.  
448..

VI. But this Act shall not extend to the diminishing of any Punishment to be hereafter by Censure of Parliament, Inflicted upon any person, which shall make or procure to be made any such Arrest as aforesaid.

Ve Dyer.  
fo. 39.

VII. Stat. 7, Gul. 3. Cap. 12. After the Feast-day of the Nativity of St. John Baptist, 1696. no Writ of *Fieri facias*, or other Writ of Execution, shall bind the property of the Goods of the Party against whom the same is Sued out, but from the time of the Delivery thereof to the Sheriff, Under-Sheriff, or Coroner to be Executed, who upon Receipt thereof (without Fee for doing the same) shall Endorse upon the backside thereof, the Day of the Month and Year, whereon they received the same.

29. Car. 2.  
Cap. 3. En.

## Exemplifications.

I. Stat. 12. Eliz. Cap. 2. All Exemplifications to be made of any Record, Judgment, Fine, Proces, Inrolment, Office, Letters Patents, or of any Act, Statute, Provision, or Ordinance, or other thing whatsoever of Record, and Sealed under the Queen, Her Heirs or Successors, Great Seal of this Realm, and the Seal of the King's Bench, Common-Pleas, and Exchequer in this Realm, and Subscribed by the Lord Chancellor both the Chief Justices, and Chief Baron, shall be of the same Force to all purposes in all Courts and Places, and before all Judges, Officers and Ministers of Justice, as the Originals so Exemplified, if they were Produced and Plead.

II. In

## Exigents. Extents. Fees.

II. In every such Exemplification shall be Written and Inserted (for Warrant of Affixing the Seals aforesaid to the same) these words following, *In cuius rei Testimonium, his Literis nostris Patentibus tam magnum sigillum nostrum Regni nostri Hibernie, quam sigilla nostra Curiarum nostrarum Capitalis Placeae, nostre, Communis Banci nostri, & Societatis nostri in Regno nostro pred. apponi fecimus juxta Tenorem & Effectum Statuti in hac parte edit.*

III. And upon the sight of every Exemplification, sealed with any of the Seals in form aforesaid, and of the Record, Inrolment or Matter so Exemplified, the Officers that have the Custody of the other Seals before specified, shall have Power to put to the Seals being in their Custody.

### Exigents.

I. Stat. 33. H. 6. Cap. 1. Every Exigent Awarded for the King, of Felonies or Treasons to be void, if it be not in the King's Bench.

II. And if it be within Liberties, for Lords of the said Liberties, then to be Awarded before their Judges of their Places, and not before Commissioners.

### Extents.

I. Stat. 17, & 18. Car. 2. Sess. 5. Cap. 11. When any Judgment, Statute or Recognizance, shall be Extended, it shall not be avoided or delayed, by occasion that any part of the Lands and Tenements Extendible, shall be omitted out of such Extent; saving always unto the Parties whose Lands shall be Extended, and their Heirs, Executors, and Assignes, their Remedy for Contribution, against such whose Lands shall be omitted out of such Extent from time to time.

II. But this Act shall not be Construed to give any Extent or Contribution against any Heirs within the Age of 21 Years during such Minority, for or in respect of such Lands to such Heirs descended farther or otherwise, than might have been before the making of this Act.

III. Provided that this Act Extend only to such Statutes as shall be for payment of Moneys, and to such Extent as shall be within 20 years after the Statute, Recognizance or Judgment had and obtained.

IV. This Act being but to continue for Three years, and from thence to the End of the next Session of Parliament; and not longer; Is by the Stat. 7. Gul. 3. Sess. 1. Cap. 7. Revived and made perpetual.

### Fees.

I **S**TAT. 33. H. 6. Cap. 2. The Recorders and Clerks of Dublin, and Drogheda, shall take but 2 pence for the Copy of a Plaintiff.

II. The Party grieved may Complain to the Mayor, Bailiffs, or Sheriffs of the City and Town for the time being, who shall compel them to take but 2 pence.

III.

III. And if the said Mayor, Bailiffs, or Sheriffs give no Remedy, then the said Recorders or Clerks that take more than 2 pence, to stand as Out-lawed of Trespafs, and be out of the King's Protection, and never to occupy the said Offices.

IV. Stat. 3. E. 4. Cap. 2. All Clerks and Attornies in every of the Kings Courts, shall but take 12 pence or under, for their Fee in every Plea by Writ or Bill, and for the Copy of every Original Writ, only 4 pence or under; and for the Copy of other Bills and Records, by the discretion of the Judges where the matter depends.

V. If any Clerk, Attorney, Keeper of Writs, or Records aforesaid, take more, or refuse to be Attorney (if not retained on the contrary part) or refuse the Copy of any Original, Writ, Bill or Record as aforesaid, then to Forfeit to the Party grieved 100 shillings for every time he Offends therein, and to be Fore-judged the Court in which they are.

VI. Except Clerks in Chancery, for that they ought to Labour in the Service of the King.

VII. Stat. 28. H. 8. Cap. 18. Nothing shall be taken by any Arch-Bishop, Bishop, Ordinary, &c. or any other person whatsoever, having power to take the Probate of Testaments, or to grant Commissions of Administration of Intestates Goods, nor by any of their Ministers, Farmers, or Servants, where the Goods of the Deceased do not exceed the clear value of 3 pounds 6 shilling 8 pence Irish Money, save to the Scribe or Notary for Writing the Probate of the Testament, or Commission of Administration; and the Ordinary, his Commissary or Official, or other Minister (having the Custody of the Seal) for the Wax Sealing and Delivery 8 pence Irish. Nevertheless the Arch-Bishop, &c. or other person having power to take Probates, &c. shall not refuse to prove such a Testament, or Grant such Commission, being lawfully desired and the same Exhibited to him or them in Writing, with Wax ready to be Sealed and Proved in Common Form.

VIII. When the Goods amount to above the clear value of 3 pounds 6 shillings 8 pence, and do not exceed 10 pounds Irish, then for the Probate of any Testament in such Case for Granting Commissions of Administration or for Writing, Registering, Sealing, Praising, making Inventories, &c. or for any Costs or Charges, or other Cause concerning the same, there shall be only paid 3 shillings 4 pence Irish, and not above, whereof the Ordinary shall have for him and his Ministers 2 shillings, and the Scribe, Notary or Register 16 pence, for Writing and Registering the same; and when the Goods amount to above 10 pounds, and exceed not 20 pounds, then the said Officers shall only take 6 shillings 8 pence, viz. 3 shillings for the Ordinary and his Ministers, and the Register 20 pence; and if the value be 20 pounds, and exceed not 40 pounds, then the said Officers not to take above 10 shillings, whereof

whereof the Ordinary, &c. shall have 8 shillings, and the Register 2 shillings; and when the Goods amount to above 40 pounds, and exceed not 100 pounds, then shall be only paid 16 shillings 8 pence, and not above, of which the Ordinary, &c. shall have 14 shillings, and the Register 2 shillings 8 pence; and when the value amounts to 100 pounds clear and above to what Sum soever, then they only shall take 20 shillings and not above, whereof the Ordinary, &c. shall have 16 shillings 8 pence, and the Register 3 shillings 4 pence, and not above; and for these Fees they shall Dispatch the Party without Frus-tratory delay.

IX. The Arch-Bishop, &c. or others having Authority to take Probate of Testaments as aforesaid, upon the Delivery of the Seal and Sign of the Testator, shall cause the same to be defaced, and thereupon immediately to Re-deliver the said Seal to the said Executor or Administrator without any claim thereunto to be made.

X. If any require Copies, either of Testaments or Inventories, the said Ordinary or other person, &c. shall without any delay, cause true Copies to be delivered to the Parties requesting, taking for the Search, and for the making and writing of every the said Testaments or Inventories, but only such Fee as is before mentioned for the Writing and Registering the same.

XI. This Act shall not alter the Custom where less Sums of Money than above said, have been taken for the Probate of Testaments, or Granting Administrations, but that they shall take such Sums, as they used to take before the making of this Act.

XII. The Officer that Offends against this Act, shall Forfeit for every time so much Money as he takes contrary to the Act, and also 10 pounds Irish, one Moyety to the King, and the other to the Party grieved, to be Recovered in any of the King's Courts by Action of Debt, &c. wherein no Essoin, &c. shall be Allowed.

XIII. This Act is not to prejudice any Ordinary or others, who have Authority to take Frobate of Testaments, but that they may Convent the Executors before them, to Prove or Refuse the Testament of their Testators, and bring Inventories, so that they take not above the Fees, limittted by this Act, nor attempt any thing contrary to any part thereof.

6. H. 8. XIV. Stat. 11, 12, & 13. Jac. 1. Cap. 8. The Officer out Cap. 4. &c. of whose Office, Writs of Exigents and Proclamations shall be 31. El. made, shall take no more for the making of any such Writs or Cap. 3. En. Proclamations; or the Entring of them of Record, but 6 Ve Bro.. pence Sterling; and the Sheriff for making Proclamation at Error. 106. the Church-door, 12 pence Sterling.

Dyer fol. 20. 41. 213. 214. Co. 4. Inst. fol. 73. Goldesb. Rep. pa. 128. Hetleys. Rep. fol. 95.

XV. Stat. 10. Car. 1. Sess. 3. Cap. 19. No Sheriff, Under-Sheriff, Bailiff of Franchises or Liberties, nor any their Officers, Ministers, Servants, Bailiffs, or Deputies (by Colour of their Office) shall directly or indirectly, take for the Serving Rep. fol. or Executing of any Extent, or Execution upon the Body, 29 El. Cap. 4. Engl. Lands, Goods, or Chattels, of any persons whatsoever, more Ve. Moo. than 12 pence for every 20 shillings, where the Sum exceeds 699. pl. 972. fol. not 100 pounds; and 6 pence for every 20 shillings, being 468. pl. over and above the said Sum of 100 pounds, that they shall Levy, 699. fol. or Extend and Deliver in Execution, or take the Body in 853. pl. Execution for. 1156. i. Rot. fol.

404. Latcb Rep. fo. 17. 54 Cro. El. fo. 335. 634. Cro. Jac. fo. 103. Noy. Rep. fo. 27, 28, 75, 76. 111. Popb. Rep. fo. 173, 174, 175, 176. Wincb. Rep. fo. 50. Palmers Rep. fo. 399, 400, 401.

XVI. The Offenders herein, shall Forfeit treble Damages to the Party grieved, and 40 pounds lawful English Money, for every time they shall Offend, one Moyety to the King, and the other to him that will Sue for the same, by any Plaintiff, Action, &c. wherein no Essoin, &c. shall be Allowed.

XVII. Stat. 14, & 15. Car. 2. Sess. 4. Cap. 21. Enacted that the Lord Chancellor, or Lord Keeper or Commissioners for the Custody of the Great Seal of Ireland, shall and may receive and take, to his and their own proper Use, 10 shillings Sterling, from every Patentee, for every Patent, which shall pass the Great Seal, of any Pardons, Honours, Dignities, Liberties, Privileges, Benefits, Offices, Lands, Tenements or Hereditaments, and of all other Grants wherein, or whereby any Estate, Interest or Benefit, shall pass from the King to any Patentee.

## Felony.

I. Stat. 9. Gul. 3. Sess. 1. Cap. 32. If any shall Buy or Receive any Stolen Goods or Chattels, knowing the same to be Stolen; they shall be deemed as Accessaries to the Felony after the Fact, and shall Incur the same Punishment as Accessaries to the Felony after the Felony Committed.

3. & 4. Gul. &  
Mar. Cap.  
9. Engl.

II. If any take away with an intent to Steal, or Imbezzle, or Purloin, any Chattels, Bedding, or Furniture, which by Agreement they are to use, shall be Lett to them to use in or with their Lodging, it shall be Adjudged to be Larceny and Felony, and the Offenders shall suffer as in Case of Felony.

## Fines.

I. Stat. 10. Car. 1. Sess. 2. Cap. 8. All Fines Levyed before 32. H. 8. the Justices of the Common-Pleas with Proclamations (according to the Statute of the 4. H. 7. Cap. 24. made in England) by Ve. Moo. any of full Age of 21 Years, of any Mannors, Lands, Tenements or Hereditaments, before the time of the same Fine Levyed, in any wise Intailed to the persons so Levyng the same, 115. pl. 32. H. 8. Ca. 36. En. Rep. fo. 71. pl. 192. fo. or 257. fo.

## Fines.

450. pl.  
613. fo.  
457. pl.  
630. Dyer.  
fol. 213.  
351. Plow.  
fo. 358  
1. Rep. fo.  
9. Rep. fo.  
Co. Lit. fo.  
Rep. f.  
f.  
Ve. Mo. Re.  
fo. 93. pl.  
231. Co.  
Lit. f. 326.  
b. 365. b.  
366. a.  
381. a.  
Dyer.  
f.  
Rep.  
Plo. Com.  
146. 148. 111. a Plow. f. 463, 464. Cro. Jac. f. 474. 624, 625. Co. 1.  
f. 176. 3. Rep. f. 59. b. 60. a. 4. Rep. f. 4. a. 9. Rep. f. 125. &c.  
f. 45. b.

or to any of their Ancestors in Possession, Reversion, Remainder, or in Use, shall be immediately after the same Levyed, Ingrossed, and Proclamation made, Adjudged a sufficient Bar, for ever against the said Persons and their Heirs, Claiming only by Force of any such Intailles, and against all other Claiming only to their use, or to the use of any Heirs of their Bodies.

*Bro. Assurances*, 16. *Feoffmental uses*, 57. *Hob. Rep.* fo. 258. Co. 187. 2. Rep. fo. 93. 3. Rep. fo. 44, 45, 84. usq; 91. 7. Rep. fo. 32, 140. 11. Rep. fo. 75. *Leon. I. Rep. fo. 244. Cro. El. 561. pl. 19.* *Co. Lit. fo. 262. a. 372. a. b. 8. Rep. fo. 100. 10. Rep. fo. 49. b. 99. a. Bull. 1. Rep. f. 33. Nov. 46. *Ve Dyer. f. 2. b. &c. f. 3. a. b. f. 72. b. pl. 3. Pop. Rep. fo. 108. Plo. Com. Stowell. & Sig. Zoncb. Ca. f. 355. b. usq; f. 373, & 434. a. b.**

*II. Provided that this Act shall not extend to Bar the Entry, Title or Interest of any Heirs or persons Accrued to them in or to any Mannors, Lands, &c. by reason of any Fine or Fines, Levyed by a Woman after the death of her Husband, contrary to the Statute made in England 11. H. 7. Cap. 20. of any Mannors, Lands, &c. of the Inheritance or purchase of the said Husband, or any of his Ancestors, Assigned to her in Dower for Term of Life, or in Tail, in use or Possession.*

*III. A Fine Levyed by them, who by reason of any express words in any special Act or Acts of Parliament made since the said 4. H. 7. are Restrained from making any Alienations or Discontinuances, shall be of such like Force in the Law and none other, as the same should have been, if this present Act had never been made.*

*Ve. Dyer. f. 32. Bro. Assurances. 6. Fines 121. Co. 6. Rep. f. 55. 8. Rep. f. 74. Ander. 1. Rep. f. 46. 1. Mar. Far. 1. Cap. 7. Engl. Ve. Dyer. f. 186. a. pl. 68. Plo. Com. f. 371. b.*

*IV. This Act shall not extend to any Fines heretofore Levyed of any Mannors, Lands, &c. now in Sute in any of the King's Courts, or which before the first day of this present Parliament, have been Recovered or Obtained by reason of any Judgment, Entry, Decree, Arbitrement, or other lawful means contrary to the purport of such Fine; nor to any Fines of any Mannors, Lands, &c. Granted or Assigned to the said persons Levyng the same, or to any of their Ancestors in Tail by vertue of any Letters Patents of the King or any his Progenitors, or by vertue of any Act of Parliament, the Reversion whereof at the time of the same Fines so Levyed, being in the King, His Heirs or Successors.*

*V. Stat. 10. Car. 1. Sect. 2. Cap. 9. All Fines whereupon Proclamations are not duly made (by reason of the Adjournment of any Term by Writ) shall be of as good Force, as if the Term (so Adjourned) had been holden from the beginning to the end thereof, and not Adjourned; and the Proclamations therein made according to the Form of the Statute 4. H. VI. Pro-*

VI. Provided that this Act shall not extend to any Fine heretofore Levyed of any Mannors Lands, &c. now in Suite in the King's Courts, or which before the first day of this Parliament, have been Recovered or Obtained by reason of any Judgment, Entry, Decree, Arbitrement, or other lawful means.

VII. Stat. 10. Car. 1. Sess. 2. Cap. 10. No Fine, Proclama- 23. El. Cap.  
tions upon Fines, or Common Recovery, shall be Reversed 3. Engl.  
or Reversible for false Latin, Rasure, Inter-lining, Mis-en-  
tring of any Warrant of Attorney, or of any Proclamation,  
Mis-returning or not Returning of the Sheriff, or other want  
of Form in words and not in Substance.

VIII. Stat. 10. Car. 1 Sess. 3. Cap. 20. If any shall acknow- 21. Jac. I.  
ledge, or procure to be acknowledged any Fine, Recovery, Cap. 26.  
Deed, Inrolled Statute, Recognizance, Bail, or Judgment, in Engl. Ke.  
the name of any other person not privy and Consenting to the Cro. El. f.  
same, and being thereof lawfully Convictid or Attainted, he 531.  
shall be Adjudged and taken for a Felon, and shall suffer pains  
of Death without Benefit of Clergy.

IX. Howbeit such Attainder shall not Corrupt the Blood,  
nor take away the Wives Dower; and the next Heir shall  
Inherit the Lands whereof such person so Attainted dyed Seis-  
ed.

X. Provided that this Act shall not extend to any Judg-  
ment acknowledged by any Attorney of Record, for any per-  
son against whom such Judgment shall be had or given.

XI. Stat. 15. Car. 1. Cap. 2. All Fines to be Levyed in the 31. El.  
Court of Common-Pleas, shall be Proclaimed Four times only, Cap. 2.  
viz. Once in the Term wherein the Fine is Ingrossed, and once Engl. Va.  
in every of the Three Terms then next following. Co. 2. Inst.

XII. Stat. 15. Car. 1. Cap. 10. No Fine, Proclamations f. 519.  
upon Fines, or Common Recovery, Levyed or Suffered be-  
fore the First day of Easter Term, 1. Car. 1. (where the Posse-  
ssion of the Lands therein mentioned, have been Enjoyed ac-  
cording to the said Fine or Recovery or Writing declaring  
the uses thereof) shall be Reversed by any Writ of Error, but  
shall be Deemed and Adjudged good and effectual in the Law.

XIII. Provided that this Act shall not extend to any Fines  
and Proclamations thereon, and Recoveries, whereof any  
Writ of Error brought before the last day of February, and de-  
pending in the Court of King's Bench here or in England, for  
Reversing and making void the same.

XIV. Persons Intituled to any Writ of Error for Reversal of  
any such Fine or Recovery, and being within the Age of 21  
Years Femes Covert, Non Compos Menti, Imprisoned, or be-  
yond the Seas, the said First day of Easter Term, Anno 1. Car.  
1. or at any time after, to be at Liberty to bring their Writs  
of Error for Reversal thereof, so as they bring the same with-  
in

## Fire-Hearths.

in Three Years after the End of the said Session of Parliament, or within Three Years after such Impediment Removed,

### Fire-Hearths.

**I. Stat. 14, &c. 15. Cap. 2. Sess. 4. Cap. 18.** Every Dwelling and other House and Edifice, that are or shall be Erected within this Kingdom (other than such as are hereafter excepted) shall be Charged with the Annual payment, to the King, His Heirs and Successors, for every Fire-Hearth, or other place used for Fireing, and Stoves within the same, the Sum of 2 shillings Sterling by the Year, to be paid yearly at the Feasts of the Annunciation of the Blessed Virgin St. Mary and St. Michael the Archangel, by even and equal Portions.

**II. Every Owner or Occupier of every such House, &c.** shall within 6 days (after Notice given to them by the respective Constables of every Parish, or such other persons as are by this Act appointed to be Assisting) deliver unto them a true Accompt in Writing under their Hands, of all the said Hearths, &c. within their said House, and Edifices.

**III. The Constables and other persons to be Assisting, within whose Limits any such House, &c.** (Charged by this Act as aforesaid) are, shall by the 20 day of December, yearly require the several Occupiers thereof to deliver unto them respectively, Accompts in writing as aforesaid, of all their Hearths, &c. as aforesaid; and upon Receipt of the same, or Default thereof, or in case there be no Occupiers, then within 6 days after Notice in writing fixed to the Door, requiring such Accompt to be made; the said Constables and other persons as aforesaid, shall enter into such Houses, &c. in the day-time, and compare such Accompts, and see whether the same be truly made or not; and if no such Accompts be delivered, then to take the Number of such Hearths, &c. upon their own View, upon pain to Forfeit for every Weeks Neglect, the Sum of 40 shillings, and for every false Return wilfully made, 40 shillings for every Hearth &c. so falsely Returned or Omitted. And the Justices of the Peace in the several Counties, Cities and Towns of Ireland (being Counties of themselves) at any publick Quarter-Sessions or other Sessions of the Peace, after the 29 day of September, in each Year, shall and may appoint Two persons of good Repute in each Parish, to joyn with the Constables, in taking Accompts of the several Hearths, &c. in each Parish, and to Sign and make the Returns

**IV. And if the persons so to Assist the Constables as aforesaid, shall Refuse or Neglect, then the Justices, at their next Quarter-Sessions, shall cause every such Refuser to be Indicted, and upon his Conviction, Impose such a Fine on him as they think fit (not exceeding 20 shillings) and in such Case to receive a Return from the Constables; and where they suspect a false Return, or are Informed that the Constables have**

*See afterwards §.  
35.*

*See afterwards §.  
25.*

have not made full Returns, then they are to Employ such persons as they think fit, to take the Accompt in such Parish where such Neglect shall so appear.

V. The Constables and those Authorized to take the Accompts of the aforesaid Hearths, &c. within their particular wards S. Limits as aforesaid, shall at the next Quarter-Sessions (to be held next after the said 20 day of December) for their Counties, Cities, &c. deliver all such Accompts in writing, as they shall Receive, Reform, or take by their own View, unto the said Justices.

VI. And the said Justices of the Peace, shall cause all the aforesaid Accompts to be Inrolled by the Clerk of the Peace of the respective Counties, &c. and also a Duplicate thereof in Parchment, under the Hands of Three or more of them, to be Returned into the Exchequer within 2 Months next after such Accompts delivered to them as aforesaid, upon pain that the Clerk of the Peace Offending herein, shall Forfeit to the King 50 pounds for the First Month, and for the Second Months Neglect shall lose his Office.

VII. The Sheriff of every County, City, &c. to be Collectors of the Money, and the Clerks of the Peace, within 2 Months after such Accompt delivered to the Justices of Peace as aforesaid, shall deliver another Duplicate thereof in Parchment to the respective Sheriffs, under the Hands of Two of the said Justices at least; and the Sheriffs every half year, by themselves or such other under their Hands and Seals (for whom they will be Answerable) shall Collect and Receive the several sums due from the several Occupiers of the said Hearths, &c. and shall give Acquittances upon payment *Gratis*, which shall be a full Discharge to the Party, against the King, His Heirs and Successors.

VIII. If any Refuse or Neglect to pay the Money Charged on them, then the Sheriff (or those Authorized under him to Receive the same) may Levy the same by Distress and Sale of the Offenders Goods, Rendring the Overplus after the said Sum is Discharged; and the said Sheriff shall within 2 Months after the said Sum shall be payable, make payment of all the Moneys Levyed, into the Exchequer, with a List of such persons as shall make Default of payment, where no Distress can be found: And every Sheriff to Deduct 12 pence out of every 20 shillings he shall make payment of, viz. 9 pence for himself and the other 3 pence for the Clerk of the Peace, for his pains; to be Recovered by him by Action of Debt; and the Officers of the Exchequer shall Discharge all such persons (paying the respective Sums Charged on them) without taking any Fees for the same; and shall Issue out Process, to Levy the said Duties upon any the Goods or Lands of the Parties Charged, wheresoever the same shall be found, in Case no Distress can be found in the County or Places, where the said Duty was first Charged.

IX The

# Fire-hearths.

*See afterwards §. 15.*

**IX.** The Revenue Arising by virtue of this Act (except what is or shall thereby be particularly otherwise disposed of) shall be duly and constantly paid into the King's Exchequer, and shall not be Chargeable either before or after the payment, with any Gifts, Grants or Pensions whatsoever, and every Grant of any such Pensions, and every Clause of *Non Obstante* therein contained, shall be utterly void; and the Grantees shall be Accomplices to the King, His Heirs and Successors, and shall pay back all Sums of Money Received by Pretence of such Grant, and the Court of Exchequer is Enjoyed to Issue out Proces accordingly.

**X.** If any be Sued for any thing done in Execution of this Act, they may Plead the General Issue; not Guilty, and give the special Matter in Evidence; and if the Plaintiff be Non-Suit, suffer Discontinuance, or a Verdict pass against him, or Judgment be given against him upon Demurrer; the Defendant shall Recover Treble Costs.

**XI.** Where any Increase or Decrease of such Hearths, &c. shall happen, an Accomp is to be made, Returned and Inrolled, and a Duplicate thereof sent into the Exchequer as before directed, and from thenceforth the Owner or Occupier of such House where such Decrease is, shall be Discharged proportionably, without any further Pleading in the Exchequer.

**XII.** None shall be Charged for the Arrears of any Duty caused by this Act, unless the Sute be Commenced within 2 Years next after the same shall grow due.

**XIII.** Provided that no person that Lives upon Alms, and not able to get his or her Living by their Work or Labour, shall be Charged with any of the Duties Imposed by this Act.

*This Clause  
is Altered  
by the Stat.  
17, 18.  
Car. 2. Sess.  
5. Cap. 18.  
See bere  
after-  
wards  
§. 32.*

**XIV.** In Case any Two Justices of the Peace, shall in writing under their Hands, yearly Certify their Beliefs, that the House wherein any Person doth Inhabit, within the County where they are Justices, is not of greater value than 8 Shillings *per Annum*, upon the full improved Rent, and that the Person so Inhabiting, nor any other Person using the same, hath or occupieth Lands or Tenements of their own or others, of the Yearly Value of 8 Shillings *per Annum*, nor hath any Lands, Goods or Chattels of the Value of 4 Pounds in their own Possession, or any in Trust for them, then in such Case, upon such Certificate made to the Justices of Peace of such County at their Quarter Sessions, and Allowed by them (for which no Fees shall be paid) such Person shall not be Returned by the Constables or other Persons to be Assistant to them as aforesaid; and the said House for that Year is Discharged from all Duties Imposed by this Act; but this Clause is Altered and Made only to extend to Widows: See here afterwards §. 32.

*See before  
§. 9.*

**XV.** If any shall Procure or Accept from the King, His Heirs or Successors any Pension, &c. for Years, Life or any other

other Estate, or any Sums of Money, out of the Revenue Arising by this Act, they shall Forfeit double the Value of such Pension, &c. one Moyety to the Use of the Parish or Parishes where the said Offenders be, or Inhabit, to be Recovered by the Church-Wardens, and the other Moyety to him or them that will Sue for the same.

XVI. The Clauses and Provisoes contained in one Act of this present Parliament, Intituled, *An Act for taking away the Court of Wards and Liveries, &c.* (in which Clauses Sir Richard Parsons, Bar. and Sir Arthur Chichester Knight, and Dame Jane Chichester, alias Itchingham his Wife, are particularly named) are Repealed, from such time as the Grantees of the Wardships of the said Persons shall receive such Satisfaction for the same as is herein directed.

XVII. Enacted that out of the first Monies to be Raised by Vertue of this Act, the Sum of 20000 Pounds, should be taken and Applied to the Satisfaction of the several Officers of the Court of Wards, and others who in the Profit of their Offices receive particular Loss by taking away the same; and for satisfying of Robert Boyle and Daniel O Neale, Esquires, for their respective Wardships of the said Sir Richard Parsons, Bar. and Dame Jane Chichester, alias Itchingham, the said Sum of 20000 Pounds, to be Disposed of and Distributed among the said Officers and others as aforesaid, their Executors or Administrators in full Compensation of their Damages, and for Satisfying the Two Wardships aforesaid, in such Manner to be Divided as the Lord Lieutenant, &c. and Council of this Kingdom should think fit, and Warrants to be given for the Payment thereof accordingly.

XVIII. The said Sum of 20000 Pounds or any other Sums whatsoever, not to be Levyed by way of Subsidy, Assessment, Poll-Money, or any other Ways, under Pretence of giving Satisfaction to the said Officers as aforesaid.

XIX. This Act shall not extend to Charge any private Oven, or Kiln, within any the Houses hereby Charged, or any Hearth or Stove within the Site of any Colledge, Hospital or Alms-Houses.

XX. The Occupiers only, and not the Land-Lords, are Chargeable by this Act, with the Payments and Duties hereby Charged.

XXI. No Persons Indebted for any the Duties aforesaid, shall thereby be Priviledged as Debtors to the King, to Sue any in the Exchequer, or to Assign any Debt to the King, His Heirs or Successors, towards Satisfaction of the same.

XXII. Stat. 17, &c. 18. Cap. 2. Sect. 5. Cap. 18. Wheresoever any Returns of any Hearths, &c. shall in pursuance of this or the former Act, be made to any Justices of the Peace of this Kingdom, or such Persons as shall be appointed to Receive the same, they or any one of them, shall Examine the Persons making

*See afterwards, S.  
33, & 34.*

*16. Cap. 2.  
Cap. 3. En.*

## Five-Hearths.

making such Returns upon Oath, concerning their faithful Acting therein.

**XXIII.** If any Owner or Occupier of any Houses or Edifices (as by the aforesaid Act is required) shall omit in his Accompt any Hearths, &c. he shall, for every one so omitted, Forfeit 4 shillings; and if any Constable or other Person appointed to be Joyned with him in taking the Accompt of the several Hearths as aforesaid, shall make Default in giving Notice, as by the former Act or this is required, or to deliver such Accompts in writing, Reformed or taken by their View, unto the Justices of the Peace, in their respective Quarter-Sessions, or such Persons as shall be appointed to Receive the same, as by the said former Act or this is required; every such Defaulter shall Forfeit for every such Offence 40 shillings, the said Forfeitures and Penalties to be recovered by Action of Debt, &c. in any of the King's Courts of Record, one Moyety to the King, and the other to him or them that shall Sue for the same.

**XXIV.** The Chancellor or Treasurer, Vice-Treasurer, and Barons of the Exchequer, or any Three of them, may give and make such further Allowance to the Clerk of the Peace, or other Person to be appointed for that Service, for their pains about Writing, Ingrossing, &c. (over and beside what is Allowed by the former Act) as they shall think fit, the same further Allowance not to exceed 3 pence in the pound.

**XXV.** The Lord Lieutenant, &c. and Council may appoint such Persons as they think meet, to be the Officers for the Receiving and Answering the Duty Arising by the said Hearths, &c. and for Viewing and Numbring them, and for Inspecting and Examining the several Rolls, Certificates and Returns thereof, to be made from time to time into the Exchequer, and to take Copies or Abstracts of the same, without paying any Fee, and being Accompanied with the Constable or proper Officer of the Place (who are to be Assistant on this Occasion) and all Parishes where there are no such Officers, or where such Officers shall refuse to attend and assist, there without any such Assistance, to enter, in the day time, into any Dwelling or other House or Edifice, and to Search if there be any more Hearths, &c. in the same, than were formerly Returned; and if they find any variance in the Number Returned, both the Officers appointed by the Lord Lieutenant, &c. and the Constable and other Officer as aforesaid (if any such shall Attend and Assist) shall upon all occasions Certify the same, under their Hands to the Clerk of the Peace, or such other Person or Persons as shall be appointed in his stead to Receive the same, which Certificate they are enjoyned to make, and likewise at the same time Return a Duplicate thereof to the Exchequer; and the Officer so to be appointed by the Lord Lieutenant, &c. shall, after such Appointment, have power,

power to Collect and Levy the said Revenue, and all Arrears due for the same.

XXVI. After such Appointment of such Officers as aforesaid, in any County in this Kingdom to Collect, &c. and Notice given to the Sheriff of the said County, the said Duty shall from time to time be paid to such Officer, upon demand thereof, by him or his Deputy at the House, Chamber or Place where the same Duty shall grow due: And in Case of Refusal or Default of payment, then at any time, with the Assistance of the Constable or other Officer as aforesaid, in the daytime, to Levy the said Duty and all Arrearages thereof by Distress and Sale of the Parties Goods, so Refusing or making Default, Restoring the Overplus, over and above such Duty and Arrearages and necessary Charges (which are not to exceed the Fourth part thereof) And if the Constable or other Officer Refuse or Neglect to give his Assistance in manner before named, then to Forfeit 40 shillings for every such Refusal or Default, to be Recovered and Divided as aforesaid.

XXVII. No Owner, &c. of the ~~and~~ Hearths, &c. shall be Charged for the said Duty or any Arrears, at any time after the space of 2 Years next after the said Duty shall become due, nor for any Arrears whatsoever that shall not appear upon Record in the Exchequer. And after the Appointment of such Officers in any County, and Notice given to the Sheriff of the said County, all Officers formerly appointed to Receive the said Duty, shall be Discharged from Collecting or Levying the same, or demanding any Fees or Allowance by reason thereof, otherwise than as they are directed by this Act: And the said Officers that shall be appointed as aforesaid, to Collect the Duty, shall pay the same into the Exchequer by the End of *Hilary Term* yearly, or within 30 days after.

XXVIII. None to be Employed as aforesaid, unless they shall first give in Security to the King, before one or more Barons of the Exchequer, for the true Collecting and Paying in the said Revenue, and likewise take a Corporal Oath before One or more of the said Barons, or before such Commissioners as shall be Authorized (by the said Court of Exchequer) to take such Security and Oath, for the faithful Execution thereof, and that they shall not Exact any Fee for the Execution thereof, from any Person, but only from the King, under pain of being disabled to Execute the said Employment; and upon Legal Conviction of any such Crime, to render Treble Damages to the Party grieved, and shall Sign and Deliver Acquittances for the Monies by them Received, without Fee; which shall be a final Discharge, as in the aforesaid Act is provided. §. 7.

XXIX. If any shall Fraudulently Stop up, Deface, Cover or Conceal, any Hearths, &c. Chargeable by the said Act, and the same be Proved by the Parties Confession or upon Oath, before One or more Justices of the Peace or Chief Magistrate, or such Persons as shall be Authorized thereunto, or by their

## Five-Hearths.

View, the Offender shall pay double the Value of the Duty, to be Levyed as aforesaid. And if any Difference arise about taking Distresses or Levying Monies by vertue of this or the former Act, the same to be Heard and Determined by One or more Justices of the Peace near Adjoining, or Chief Magistrate of the Place, upon Complaint in that behalf made; and they and other the King's Officers are to give Assistance, from time to time, to such Officers as shall be appointed as aforesaid, for Collecting of the said Duty.

XXX. And such Officers to be appointed, &c. shall pay to the respective Clerks of the Peace of this Kingdom, or to such other persons as shall be appointed in their steads for that Service, all such Allowances, as by the former Act and this are Allowed unto them; provided that until such time as the Lord Lieutenant, &c. and Council of this Kingdom, shall appoint such Officers to act concerning the Premisses as is herein above-mentioned, that all former Officers, &c. shall continue to Act according to their several Powers by the said former Act, and this present Act let down and appointed.

XXXI. The Lord Lieutenant, &c. and Council of this Kingdom, from time to time, may appoint such Persons as they think fit, to Execute and Perform all the matters and things appointed by the former Act or this, to be Executed or Performed by any Justices of the Peace, or Clerks of the Peace of this Kingdom; and that after such Appointment, all other persons not thereby appointed, shall be and are Discharged from doing any thing relating to the Premisses.

XXXII. The Clause in the former Act concerning Certificates to be made by any Two Justices of the Peace, of Houses not of greater value than 8 shillings *per Annum* (which see here before §. 14.) shall be Construed to Extend only to such Widows as shall produce such Certificates, as are therein mentioned; and as to all other persons whatsoever, the said Clause is hereby absolutely Repealed.

XXXIII. No Houses or Edifices within the Site or Precinct of any Cathedral or Collegiate Church within this Kingdom, shall by the aforesaid Act be Discharged of the Duties thereby or by this present Act payable to the King.

XXXIV. All Ovens in Bakers Houses, and in Taverns, Inns and Victualling-Houses, as also all Kilns wherein Malt or other Grain shall be dried to be Sold, shall be Construed to be publick Ovens and Kilns, and shall be Charged accordingly, and that all other Ovens and Kilns shall be accounted private ones, and shall not be Charged with any Duty to the King.

XXXV. The said Duty by the former and this Act, made payable to the King, shall be payable yearly, on the 10th day of January, in every Year at one entire Payment; and all Returns to be made by any Owners or Occupiers of any Houses or Edifices of any Hearths, &c. shall be made and delivered in,

*See before  
§. 14.*

*See before  
§. 19.*

*See before  
§. 19.*

*See before  
§. 1. 3.*

to the Constable or other Officer in every Parish, some time before the 10th day of November, yearly; and the Constables and Assistants to them, are to give them Notice yearly by the 3d day of November, to deliver in such Accompts of their Hearths, &c. as by the said former Act, or this Act is directed.

XXXVI. All Houses shall be deemed and taken to have 2 Hearths, and shall be Chargeable with the payment of the Duty accordingly, until such time as there shall be one or more fixed Hearth or Hearths, with a Chimney or Chimnies, placed over the same, in all and every Dwelling House or Houses as aforesaid.

XXXVII. A Clause that Sir Henry Titcbburn, his Executors and Administrators (in Satisfaction of his Services against the Rebels in 1641. and for the Loss of the Wardship of Nicholas Plunket, Esq; &c.) should Receive out of the said Hearth Monies payable in this Kingdom, the Sum of 20000 pounds Sterl. to be paid within the space of one year then next following.

### First-Fruits.

I. Stat. 28. H. 8. Cap. 8. Every Person appointed to have any Arch-Bishoprick, Bishoprick, Arch-Deaconry, Deanry, Prebend, Parsonage, or Vicarage, within this Land, shall pay or agree to pay to the King's Use, at reasonable days, upon good Sureties, *Annat* or *Ane*, First-Fruits and Profits thereof for one whole year, before his actual Possession or medling with the Profits of the same.

26. H. 8.  
Cap. 3. En.  
Ve. Co. 12.  
Rep. f. 45.  
Plow.Com  
f.9.a. Vid.  
posta, Tit.

II. The Lord-Chancellor, Master of the Rolls and Under-Treasurer, or any 2 of them (whereof the Under-Treasurer to be one) or such other Commissioners as the King under the Great Seal shall name, shall Examine and Search for the true value of the said First-fruits, and agree for the same, appoint days for payment, and take Obligations at their discretion; and the Bonds or Money taken upon such Compositions (made before the Lord Chancellor or Master of the Rolls and Under-Treasurer as aforesaid) shall remain in the Under-Treasurer's Hands, or in the Hanaper of the Chancery for the King's use; and the Under-Treasurer to make Accompt for such Bonds and Monies as comes to his Hands, and the Clerk of the Hanaper to Accompt for such as comes to his Hands, as he does of the Money received of the Profits of the King's Great Seal; and if the Composition be made before the Commissioners appointed by the King, then the Bonds and Money shall be Delivered to the Under-Treasurer, or to whom the King shall give Commission under his Great Seal to Receive the same.

20. part.  
§. 11, ¶  
12.

III. Acquittances under the Hand of the Under-Treasurer, Clerk of the Hanaper, or other Commissioners aforesaid, or any of them, for any Money paid for First-Fruits, shall be a sufficient Discharge for the same in any of the King's Courts; and upon Certificate made into the Chancery of any such Bond to be taken for the payment of First-Fruits, like Process shall

be made thereupon, against any person Spiritual or Temporal, as are made against any Lay person, upon a Statute Staple; And none to pay above 8 pence for such Obligation, and 4 pence for the Acquittance.

IV. The Commissioners for First-Fruits shall every 6 Months after the date of their Commission, Deliver by Indenture, unto the said Under-Treasurer, or such Commissioners as shall be appointed to receive the same, such Money and Specialties as they shall receive, and in Case they do not, or do Conceal or Imbesil any of them, they shall Forfeit their Office, and make Ransom at the King's pleasure.

V. Every Article, Provision, and thing whatsoever they be Enacted or Comprized within the Act made at Westminister, 26. H. 8. Cap. 3. For the Surety of payment of the said First-Fruits in the said Realm of England, shall be in the same Force to all Intents and Purposes within this Land.

VI. All First-Fruits heretofore payable to other persons within this Land, shall from the first day of this present Parliament cease, and be no longer paid, but only to the King's use, in such Form as is above mentioned by this Act.

VII. Upon the Avoidance of any Parsonage, Vicarage or Benefice, the King (out of the Profits thereof) shall provide a sufficient and able Priest to serve the Cure, from the time of such Avoidance, till one be Admitted and Instituted to the same.

VIII. In the Act made at Westminister, 26. H. 8. Cap. 3. (before mentioned) besides the Paragraphs already Incerted, concerning First-Fruits. It is further Enacted there as follows, viz. If any be Convicted by Presentment, Verdict Confession, or Witness, before the Lord Chancellor or other Commissioners, to have Entred, upon any Spiritual Living, before payment or Composition made as aforesaid, he shall Forfeit the double value of the First-Fruits.

IX. Provided that Bishops may give Institution and Induction notwithstanding this Act.

X. Stat. 28. H. 8. Cap. 26. The First-Fruits and Profits for one whole year of every Abbey, &c. are Granted to the King, &c.

XI. The same Proceedings and Method (about the Valuation and Taxing of these First-Fruits) is to be followed and observed, as is directed in the aforesaid Statute of the 28. H. 8. Cap. 8 here first mentioned, for the payment of First-Fruits.

XII. El. Cap. 2. El. Cap. 3. The Act of Parliament of the 3, and 4. F. & M. Cap. 4. wherein it is Enacted that the payment of First-Fruits (united to the Crown by the Stat. 28. H. 8. Cap. 8. in Ireland) should Cease, and whereby the King and Queen Relinquish, the Rectories, Parsonages, &c. which they Enjoyed by Title of Inheritance, and Agreed that they should

should be Employed and Disposed of, by the late Cardinal *Poole*, and such others as he shall name, to such purposes as is mentioned in the said Act, is by this Statute of the 2. El. Repealed.

XIII. And the payment of First-Fruits Revived and Declared to be in the Queen's Person, and United to the Crown of this Realm ; and the Annual 20 part or Pension (Granted by the Act 28. H. 8. Cap. 14.) and so much of the yearly Rents Reserved upon Letters Patents, *Nomine Decime*, or *Vicefime partis*, and also so many of the Rectories, Parsonages, &c. aforesaid ; and the Reversions thereof, and all Rents and Profits Incident to the same, as were in the Hands and Possession of the said late Queen *Mary* at or before the First day of the said Parliament, holden in the said 3 and 4 Years, are Vested in Queen *Elizabeth*, Her Heirs and Successors, as fully as they were in the said late Queen *Mary* before the said Act of Parliament ; and to be Answerable at the Queen's Exchequer as they were then, and the Statutes of the 18. H. 8. Cap. 8. & 14. are Revived and Confirmed.

XIV. The Right of other (other than such persons as be mentioned and named in any Letters Patents, made by the said Queen *Mary* at any time after the said First day of the said Parliament in the said 3 and 4 Years, or claiming only by the Authority of the same Act or Letters Patents or any of them) is saved by this Act.

XV. Pensions, Annuities, Rents, Corrodies, Fees and other yearly payments, shall be paid by the Queen, Her Heirs and Successors, at the Receipt of the Exchequer, or in such other Places as the Queen or they shall appoint, to the persons that ought to have the same, in such sort as they ought to have been paid, in case the said Act now Repealed had never been made.

XVI Stat. 2. Eliz. Cap. 3. Vicarages not exceeding the yearly value of 6 pounds 13 shillings 4 pence, after the Rates and Values of the Books of Rates and Values of First-Fruits and Twentieth part in the Exchequer, and Parsonages not exceeding the yearly value of 5 pounds, according to the said Books of Rates, shall not be Chargeable with the payment of First-Fruits.

1. El. Cap.  
4. Engl.

XVII. If any Incumbent of any such Spiritual Promotion as aforesaid, Chargeable with the payment of First-Fruits, Live to the end of one half Year, next after the last Avoidance of the same, so as he hath Received, or without Fraud might lawfully have Received the Rents and Profits of that half year, and Dye or be Legally Outed before the end of the other half Year then next following, he, his Executors, Administrators and Sureties, shall only pay a Fourth part of the First-Fruits ; If he Live out the Year, and Dye or be Outed within

## Forcible Entry. Forfeiture.

Kill any Tenants of any Lands or Tenements; by strong Hand contrary to the Law (unless they first sue to the Lieutenant, Justice or Deputy, and the King's Council of this Land; and shew their Title, and have special License to Distain or Enter peaceably) they that do the contrary, so that the Lands and Tenements lye Waste, they and their Heirs shall loose their Title and Claim to the same for ever.

II. This Statute shall not extend to such persons as are Ameasnable by the Common-Law.

**31. El.**

**Cap. 11.**

**Engl. Ve.**

**Dyer. fo. 1**

**141. pl. 48.**

**Cro. Jac. f.**

**199. pl. 28.**

**251. Sider.**

**Rep. f. 99.**

**101, 102.**

**149.**

**21. Jac. I.**

**Cap. 15.**

**Engl.**

**Ve. Co. 4.**

**Inst. f. 176.**

**Latcb. Rep.**

**f. 184.**

III. **Stat. 10. Car. 1. Sess. 3. Cap. 13.** No Restitution upon an Indictment of Forceable Entry, or holding with Force, shall be made unto any, if the Parties so Indicted, have been in quiet Possession by the space of 3 whole Years together, next before the Day of such Indictment so found, and their Estates therein not determined, which the Parties may Alledge for Stay of Execution (until that be Tryed) if the other will Deny and Traverse the same: And if it be found against the persons Indicted, then they to pay such Costs and Damages to the other Party, as shall be Assessed by the Judges or Justices (before whom the same shall be Tryed.)

IV. Such Judges, Justice or Justices of the Peace, who by reason of any Acts of Parliament in Force, are Enacted upon Enquiry to give Restitution of Possession unto Tenants of any Estate of Free-hold, of their Lands and Tenements, Entred upon or withholden by Force, have power (upon Indictments of Forceable Entries or with-holding Duly found before them) to give like Restitution of Possession to Tenants for Term of Years, or by Copy of Court-Roll, by *Elegit*, Statute-Merchant, and Staple, of Lands and Tenements by them so holden, which shall be Entred upon by Force, or holden from them by Force.

V. Every Justice and Justices of Assize in their several Circuits have Power to Enquire, Hear and Determine of all Forceable Entries and Forceable holding, and all other Offences as well against the Statute of the 8. H. 6. Cap. 9. as against this present Statute; and to Award Restitution of Possession in all Cases, as any other Judge or Justice or Justices of the Peace, could or may do by this Act or any other Statute of Force within this Realm.

## Forfeiture.

I. **Stat. 15. Car. 1. Cap. 3.** If any Persons, Bodies Politick or Corporate, Possessing, or which hereafter shall Possess any Lands or Tenements, by Virtue or Colour of any Original Grant Lease or Assignment thereof from the King or any of his Predecessors, for Years, Life or Lives, in Fee-Tail, Fee-Simple, or other Estate, whereupon any Rent or Service hath been, is, or shall be Reserved or payable, with Condition of Re-entry, Cesser, or to be void upon Failor or Payment of such

such Rent, or Non-Performance of such Service; yet upon any such Default made or to be made therein, if afterwards such Rent or Service hath been or shall be Answered to the King or any of His Predecessors or Successors into their Receipt of the Exchequer, or to any other having Authority to Receive the same (as the Case shall requir before any Advantage of such Forfeiture shall be taken, a. i before any Commission Awarded to Enquire, or other Procese Issued touching the said Forfeiture or Non-payment of Rent; in all such Cases, no Advantage shall be taken by the King, His Heirs or Successors, by reason of such Forfeiture, or cause of Forfeiture.

II. And none Claiming, or which afterwards shall Claim under the King, His Heirs or Successors, at any time after such Title of Forfeiture, shall take any Advantage, by reason of such Default made or to be made, but that every such Estate shall continue as if no such cause of Forfeiture had been made.

III. Stat. 15. Car. 1. Cap. 9. If any be Indicted or Appeal- 24. H. 8.  
ed, for the Death of any evil disposed persons Attempting to Cap. 5. En.  
Murther, Rob, or Burglariously or Feloniously to Break any Ve. Bract.  
Mansion House (and the same is so found by Verdict) he shall pa. 144. b.  
Forfeit no Lands or Goods for the same, but shall be fully Ac- Co. 3. Inst.  
quitted thereof, in like manner as he should have been if he f. 56. 69.  
were lawfully Acquitted of the Death of such evil disposed 220. An-  
persons. ders. 1. Re.  
f. 41.

### Forgery.

I. Stat. 28. El. Cap. 3. If any upon their own Head or 5. El. Cap.  
Imagination, or by false Conspiracy and Fraud with others, 14. Engl.  
shall willingly and falsely Forge and Make, or cause or con- Ve. Co. 3.  
sent to be Forged and Made any false Deed, Charter or Writ- Inst. f. 168.  
ing, Sealed, Court Roll, or Will of any in Writing, to the In- Cap. 75. per  
tent that the Estate of Free-hold, or Inheritance, of any tot. Moo.  
Lands, or Copy-hold, or the Title of any to the same, may be Rep. f. 759.  
Molested, Recovered, or Charged, or shall publish or shew forth pl. 1051.  
in Evidence any such Forged Writing, knowing the same to Dyer. fo.  
be False and Forged as aforesaid, to the Intent aforesaid, and 288. pl. 52.  
shall be thereof Convicted, either upon an Action of Forger 302. pl. 45.  
of false Deeds (to be founded upon this Statute) at the Sute of 322. pl. 26.  
the Party grieved or otherwise, according to the Course of Hob. Rep.  
the Laws of this Realm, upon Bill or Information to be Exhi- f. 97. Co.  
bited unto the Court of the Castle-Chamber, according to the 13. Rep. f.  
Order and Course of the Court, shall pay to the Party griev- 34,35. Plo.  
ed, his double Costs and Damages, to be Assessed in that Court Com. f. 54.  
where such Conviction shall be, and shall also be set upon the 80, 84. 83.  
Pillory in some Market Town or other open Place, and there 89. b. Sa-  
to have both his Ears Cut off, and also both his Nostrils Slit vills Rep.  
and Cut, and Seared with an hot Iron, and shall Forfeit to f. 134. Plo.  
the Queen, Her Heirs and Successors, the whole Issue of his Com. f. 86.  
Q. Lands

*b.* 88. *a.* Lands and Tenements during his Life, and suffer perpetual Imprisonment during his Life: And the said Damages and *Forgery.* 4. Costs to be Recovered at the Sute of the Party grieved, and *E. I. Noyes* first Paid and Levyed upon the Goods, Chattels and Issues of *Rep. f.* 42. the Lands of the Party Convicted, notwithstanding the Title *101. 134.* of the Queen, Her Heirs and Successors to the same.

*Ve. Dyer.* II. For such Forging, &c. of any Deed or Writing of *f. 302. pl.* Lands for Years (not being Copy-hold) or of any Annuity in *45. God-* Fee-Simple, Fee-Tail, for Term of Life, Lives or Years, Obligation, or Bill Obligatory, or any Acquittance, Release, or other Discharge of any Debt, Accompt, Action, Sute, or other *bolts Rep.* personal thing, knowing the same to be False and Forged; *pa. 62. pl.* and shall be thereof Convicted by any the ways aforesaid, the *75. Brown.* Offender shall pay double Costs, to be Assessed as afore shewed, *2. Rep. pa.* be Set upon the Pillory as aforesaid, have one of his Ears Cut *40. Flo.* off, and suffer a Years Imprisonment without Bail. *Com. f. 80.*

*a. b.*

III. The Party grieved may have his Remedy for his double Costs and Damages, by Original Writ out of the Chancery, as in Cases of Trespäs, or by Bill in the King's Bench, or in the Exchequer at his pleasure, wherein no Essoin, &c. shall be Allowed.

IV. He that is once Punished for any of the Offences, by Corporal Punishment according to this Act, shall not after be Impeached for the same Offence.

V. And albeit the Plaintiff in any such Action or Bill Sued as aforesaid, after Verdict, Release or Discharge the Judgment or Execution, or suffer the same to be Discontinued, yet nevertheless, this shall only extend to Discharge his own Costs and Damages, and the Judges before whom the said Action or Sute shall Depend, may Proceed to Judgment for the Residue of the said Penalties and Forfeitures, and Command Execution upon the same, notwithstanding the Plaintiff's Discharge.

*Ve. Moo.* VI. The Second Offence herein is Felony, without Benefit *Rep. f. 666.* of Clergy, whereof the Offender being Convicted or Attainted *f. 913. Co.* according to the Laws of this Realm, shall Forfeit his Lands *3. Inst. f.* and Goods as in other Cases of Felony, saving to all persons *168. Cap.* (other than the said Offenders and such as Claim to their uses) *75. Noyes* all their Rights and Titles, &c. neither shall such Conviction *Rep. f. 42.* or Attainder extend to take away the Wives Dower, nor to the Corruption of Blood or Disherison of any Heir or Heirs of such person or persons so Attainted.

VII. Provided this Act shall not extend to Charge any Ordinary, Commissary or Official, with any the Offences aforesaid for putting their Seal of Office to any Will, to be Exhibited to them, not knowing the same to be Forged, or for Writing the said Will or Frobate of the same.

*Ve. Co. 9.* VIII. Justices of Oyer and Terminer and Assize in their *Rep. f. 118.* Circuits, in their open Sessions, shall Inquire, Hear and Decide these Offences, Committed within the Limits of their *87. 601.* Commissions,

## Fraudulent Conveyances.

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Commissions, and make Process for the Execution of the same, as in Cases of Indictments before them of Trespass.

IX. All other Statutes heretofore made and provided for Forgery of false Deeds, Charters, Minuments or Writings, shall, after the last Day of this present Parliament be void.

X. Provided this Act shall not extend to any Proctor, Advocate, or Register of any Ecclesiastical Court within this Realm, for Writing, Setting forth, or Pleading of any Proxy, made for the Appearance of any person Cited to Appear in any of the said Courts Ecclesiastical, nor to any Arch-Deacon, or Official, for putting their Authentick Seal to such Proxy, nor to any Ecclesiastical Judge for Admitting the same.

XI. If any have of their own Head, or by false Conspiracy, and Fraud with any other, witingly and falsely Forged, or shall Forge any such Writings as first above mentioned, to the Intentions there set forth, or shall Publish or Shew them in Evidence as afore-shewed (and shall be thereof Convicted in form aforesaid) the Party so Convicted, shall pay such Damages and Costs of Sute to the Plaintiff, as shall be Assessed according to the Laws of this Realm, in any such like Action or Sute; and shall suffer Imprisonment, and pay Fine and Ransom at the pleasure of the Queen, Her Heirs and Successors.

XII. And if any shall publish or shew forth in Evidence or otherwise, for Proof of any Title, any False or Forged Deed or Writings (as before-named) as True, knowing the same False and Forged, to the Intent to have or claim thereby any Estate of Inheritance, Free-hold or Lease for Years in any Lands, Uses, Rents, Annuities, &c. or to the Intent to Alter, Trouble, Charge or Recover the Estate of Inheritance, Free-hold, or for Years, of any persons, in any Mannors, Lands, &c. that then the Offenders herein (being Convicted as aforesaid) shall pay to the Party grieved, double Costs and Damages, and shall have Imprisonment, loss of Ears, Slitting and Searing of the Nose, and Forfeiture of Lands in the same manner, as above limited for those that Forge and Publish any false Deed or Writing as afore-shewed, §. 1.

XIII. This Act shall not extend to any Attorney, Lawyer or Councillour, that shall for his Client plead, shew forth, or give in Evidence any False and Forged Deed, &c. for true or good, being not Party or Privy thereunto,

XIV. Nor to any that shall Plead or Shew forth any Deed or Writing Exemplified under the Great Seal of England, or under the Seal of any Authentick Court of this Realm, nor to any Judge or Justices or other person, that shall cause any Seal of any Court to be Set to any such Deed, Charter, &c. not knowing the same to be False or Forged.

### Fraudulent Conveyances.

I. Stat. 3. E. 2. Cap. 4. If any Man Enfeoffee another of his Land, with Intent to Enter into Rebellion or Commit Felony,

## Fraudulent Conveyances.

lony, and after the Felony Committed to have his Land again; all such Feoffments shall be void, and presently after the Felony Committed, the King shall have the Year and Waste of such Tennants; and after the Chief Lord shall have the same as his Escheat, the Truth of the Matter and Manner being first Enquired by Writ out of the Chancery.

**27. El.** II. Stat. 10. Car. 1. Sess. 2. Cap. 3. Every Conveyance, Grant, Lease, Estate, Incumbrance and Limitation, of uses of in or out of any Lands, Tenements or other Hereditaments whatsoever, made to Defraud any Purchaser of the same, in Fee-Simple, Fee-Tail, for Life, Lives or Years, shall (as against Co. Lit. f. such Purchaser and every other person and persons lawfully 76.a. 290. Claiming under him or to his use) be Deemed to be utterly a.b.3. Rep. void, the said Purchaser having obtained the same Lands, &c. f. 80. 5. or any Rent, Profit or Commodity, out of the same for Rep. f. 60. Money or other good Consideration.

**6. Rep. f.** 18. 10. Rep. f. 56. Dyer. fo. 295. 351. Cro. El. f. 350, 351. 445. 645. Cro. Jac. f. 158. 181. Hob. Rep. f. 72. Leon. 1. Rep. f. 147. 308 Latch. Rep. f. 222. 2. Roll. f. 483. Noyes. Rep. f. 105. Co. 11. Rep. f. 74. Siderf. Rep. f. 133. Leon. 2. Rep. f. 9. 283. &c.

**Ve. Dyer,** III. Every party to such Fraudulent Conveyances, or being fo. 351. privy and knowing of the same, who shall justifie or defend the Hob. Rep. same to be true, and made *Bona fide*, or upon good Consideration, fo. 166. to the Disturbance of the Purchasers Lessees or Grantees, or of their Heirs, Successors, Executors, Administrators fo. 270. or Assigns, or such as have or shall lawfully Claim any thing 181. Cro. under them or any of them, or to any of their Uses; shall forfeit one years value of the said Lands, &c. so Purchased and El. fo. 645. Noyes Rep. Charged, one Moyety to the King, and the other to the party fo. 105. & fo. 115, 116. Grieved by such Fraudulent Conveyance, to be Recovered in any of the King's Courts of Record, by Action of Debt, Bill, &c. wherein no Essoin, &c. shall be Admitted for the Defendant; and also being thereof lawfully Convicted, to suffer a years Imprisonment without Bail.

**Co. 3. Rep.** IV. Conveyances made to others of any Lands, &c upon fo. 83. good Consideration and *Bona fide*, shall be good, notwithstanding Goldejsb.

**Rep. pa.** 118. pl. 2. 2. Roll, fa. 269. 305.

**Ve. Moo.** V. If any Lands, &c. be first conveyed with any Clause of Rep. fo. Revocation, Determination or Alteration, and are afterwards 615. pl. Sold, &c. or Charged for Money or other good Consideration 843. Co. 3. Paid or Given (the said first Conveyance not being Revoked, Rep. fo. 82. made Void or Altered according to the Power and Authority Reserved and Expressed thereby) in this Case such First Conveyances shall be Deemed to be Void, against the Barganees, Cro. Jac. &c. their Heirs, Executors, Administrators and Assigns, and fo. 180. all others lawfully Claiming under them, or any of them: 2. El. Cap. Howbeit no lawfull Mortgage made *Bona fide*, and without 4. Engl. Fraud

# Fraudulent Conveyances.

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Fraud or Covin upon good Consideration, shall be Impeached by this Act, but shall stand in like Force and Effect as the same should have done, if this Act had not been made.

2. Roll. fo.  
260. 305.  
Goldeſb.

Rep. pag. 118. pl. 2.

VI. Every Feoffment, &c. and Conveyance of Lands &c. Goods and Chattles, or of any of them; or of any Lease, Rent, Common or other Profit or Charge out of them, by Writing or otherwise; and every Bond, Sute, Judgment and Execution, at any time made since the beginning of the Reign of Jac. 1. or at any time hereafter to be made, to or for the intent aforesaid, shall be taken only (as against the Persons their Heirs, Successors, Executors, Administrators and Assigns, whose Actions, Sutes, Debts, Accountts &c. by such Fraudulent Divises, as aforesaid, shall or might be in any wise Disturbed or Defrauded) to be utterly void.

18. b. 10. Rep. fo 56. Cro. El. fo. 291, 292. 405, 406. 810. pl. 16.

158. Leon. 1. Rep. fo. 47. 308. Leon. 2. Rep. fo. 9. 223. 2. Roll. Latch. Rep. fo. 222. Co. Lit. fo. 76. a. 13, El. Cap. 5. Engl.

Ve. Dyer.  
fo. 193.  
267. 268.  
295. 351.  
Co. Lit. fo.  
290. b. Co.  
3. Rep. fo.  
80. b. 81,  
82. 5. Rep.  
fo. 60. a.  
6. Rep. fo.  
Cro. Jac. fo.  
fo. 483.

VII. All and every the parties to such Fraudulent Feoffment, &c. Conveyances, Bonds, &c. or being privy, or knowing of the same, which shall wittingly or willingly put in Ure Defend or Justifie the same, as true and made *Bona fide*, and upon good Consideration; or shall Alien or Assign any Lands or other things so Conveyed to them, as aforesaid, or any part thereof, shall Forfeit One years value of the said Lands, &c. and the whole value of the said Goods and Chattles; and also so much Money as shall be contained in any such Fained Bonds, to be Divided and Recovered as aforesaid; and upon Conviction to suffer Imprisonment as aforesaid, §. 3.

Ve. Cro.  
El. fo.  
645. Cro.  
Jac. fo.  
270. Co. pl.  
fo. 62.  
Hob. Rep.  
fo. 166.  
Noyes Rep.  
fo. 115.  
& 116.

VIII. Common Recoveries had or to be had against Tenant in Tail, or other Tenant of Freehold the Reversion or Remainder, or the right of Reversion or Remainder then being in any other persons, shall (as touching such persons which then had any Remainder, &c. and against the Heirs of every of them) stand and be of such force, as the same should have been if this Act had never been made.

IX. Nothing in this Act shall Extend to make void any Estate or Conveyance, by reason whereof any shall use any Voucher in a Writ of *Formedon*, but the same shall stand and be of force.

X. Nor shall this Act Extend to any Statute or Interest in Lands, &c. Goods or Chattels, made or to be made, Conveyed or Assured upon good Consideration and *Bona fide*, lawfully Conveyed or Assured to any Persons or Bodies Politick or Corporate, not having at such time any manner of Notice or Knowledge of such Fraud as aforesaid.

XI. Provided that this Act, or any thing therein contained, shall not Extend in any sort to Restraine the Jurisdiction, &c. of the High Court of the Castle-Chamber.

Galtrim.

## Galtrim Parsonage.

I. **S**TAT. 25. H. 8. Cap. 2. The Parsonage of Galtrim within the County and Diocese of Meath, with all Tyths, Chappels, &c. belonging to the same (except such parcels thereof as were Awarded to the Vicar and his Successors) are by this Act United to the Monastery of the Apostles Peter and Paul of Newton, besides Trim, and to the Prior and Convent of the same, and their Successors for ever. The said Prior and his Successors bearing all Charges for the same, except such as is Limited to the said Vicar, by a certain Award to bear and do; the Statute of Mortmain notwithstanding.

## Game.

I. Stat. 10. Gul. 3. Sess. 2. Cap. 8. All and every Law and Statute now in force, for the Preservation of the Game, and of the Fish in the several Rivers, Loughs and Ponds of this Kingdom, not herein Altered or Repealed, shall be duly put in Execution.

II. After the 20th day of October, 1698. No person not having an Estate of Free-hold in his own or his Wives right, of the yearly Value of 40 pounds at the least, or worth 1000 pounds Personal Estate at the least, over and above all Debts by him owing; either for himself, or as servant to any other (unless he be such Servant as hath no other way of Livelihood for his Wages from such person) \* have or keep any Hound, Beagle, Gray-hound or Land-spaniel, within this Kingdom (except Whelps under the Age of 12 Months, which shall be kept at Nurse for persons qualified within this Act for having the same) on pain that they shall or may be Seized and taken away, by any Justice of the Peace of the respective Counties, where the same shall be kept, or by any Authorized thereunto, by Warrant under the Hand and Seal of such Justice of the Peace; or by any having a Free-hold of the yearly value of 40 pounds or upwards within such County; which Justice and Free-holder respectively, Seizing such Hound, &c. may detain them to their own uses, or otherwise dispose of the same, as they think fit. And all persons so keeping such Hound, &c. contrary hereunto, and being thereof Convict before some Justice of the Peace of the County, where such Offence shall be committed, on the Oath of one or more credible Witnesses or Witnesses, (which Oath he may Administer) shall for every such Offence Forfeit 5 pounds, to be Levyed by Warrant of such Justice before whom such Offender shall be Convict, by Distress and Sale of such Offenders Goods, returning the Over-plus (if any be) to the Party Distrainted on; one Moyety to the Informer who shall Prosecute the same, and the other Moyety to the use of the Poor of the Parish, where such Offence shall be committed.

III. None

\* Quere if the word  
(shall) be  
not wanting here, in  
this Statute.

III. None Qualified within the meaning of this Act, to have or keep any such Hound, &c. shall shelter or cover any persons not qualified to keep the same, as aforesaid, on pain to Forfeit 40 pounds for every such Offence, to be recovered by Action of Debt, Bill, &c. in any of the King's Courts of Record in *Dublin*, in which no Essoin, &c. shall be allowed, one Moyety thereof to the King His Heirs and Successors, and the other Moyety to him or them that will Sue for the same.

IV. And after the day aforesaid, no Papist or reputed Papist, shall be employed as a Fowler for any Protestant, or under colour thereof, shall keep, carry or use any such Gun or Fire-arms; and if any be found (after the said day) in the possession or keeping of any such Papist, or so reputed (not qualified to keep the same, by the Laws now in force in this Realm) the same may be Seized by Warrant of any Justice of the Peace where the same shall be found (which Warrant, on Information given to him, he is to grant) and such Gun or other Fire-arms, as shall be so Seized by vertue thereof, shall immediately after such Seizure, belong unto, and become the property of the Informer, notwithstanding the same at the time of the Seizure did really belong unto, or was the property of some Protestant or other Person qualified to keep Fire-arms.

V. After the 20th of *November*, 1698. None shall shoot any Deer at any Season of the Year, except on his own Ground only, or the Ground of such person to whom the person shooting, being a Protestant, shall at the time be a menial Family Servant, and that by Warrant only under the Hand of such Master, and no otherwise, on pain that every such Offender being thereof Convict before one or more Justice or Justices of the Peace of the County where the Offence shall be committed, on the Oath of one or more credible Witnesses (which Oath they may Administer) shall for every such Offence, forfeit 5 pounds, one Moyety to the use of the Poor of the Parish where the Offence shall be committed, and the other to the Informer that makes proof of the Offence before such Justice or Justices; the same to be Levyed on the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of such Justice or Justices, who are to Grant the same, and to pay or order payment of the Money Levyed thereby accordingly.

VI. And after the 20th day of *October*, 1698. No person shall Hunt or Kill any Male Deer before the 10th day of *June* in such year, unless it be in the Park or proper Ground of the person Hunting, &c. Nor shall Hunt or Kill any Male Fallow Deer, after *Michaelmas* in any Year, unless in the proper Ground, &c. on pain of 5 pounds for every such Offence, the same to be Heard, Examined and Determined by and before such Justices of the Peace, as aforesaid, and the forfeiture for the same, Levyed, Divided and Paid, in such manner, as is appointed for the Offence of shooting Deer contrary to this Act. S. 5.

VII. None

4. &c. 5.  
Gul. &c.  
Mar. Cap.  
23. Engl.

Ve. 14. &c.  
15. H. 8.  
Cap. 10 &c.  
1. Fac. 1.  
Cap. 27.  
Engl.

VII. None shall after the 20th day of October, aforesaid, Burn on any Mountain, Hill, Moor, Bog, Heath or waste Ground, any Grig, Ling, Furs, Heath, Gofs or Fern at any other Season of the Year, save only between the 14 day of June, and the 2 day of February in every Year, on pain to forfeit 5 pounds for every such Offence, the same to be Heard, Examined and Determined, and the Forfeiture Levyed and Paid as is shewed here before §. 5.

VIII. None shall Trace any Hares or other Game whatsoever, in the Snow; nor shall destroy the Eggs or Nest of any Partridge, Pheasant, Grouse, Quail, Duck or other Wild Fowl. Nor shall any (not having such Free-hold Estate of 40 pounds *per annum*, or a 1000 pounds Personal Estate as aforesaid) Shoot at, Kill, Take or Destroy, any Hare or Hares, Partridge, Pheasant, Grouse or Quail; or any person whatsoever Shoot at, Take, Kill or Destroy, any House Dove or Pidgeon, other then such as shall be in, or belonging unto the Dove-house or Pidgeon-house of the person so Shooting at, &c. on pain that every person offending in any of the particulars aforesaid, shall for every offence (being thereof Convict, before one or more Justice or Justices of the Peace of the County where the same shall be committed, or the Offender Apprehended) forfeit 10 shillings; one Moyety thereof to the Poor of the Parish, where the offence shall be committed, to be paid to the Church-wardens of such Parish for such use, the other Moyety to him or them, who shall Inform and Prosecute for the same, as aforesaid, or otherwise shall be publickly whipt at the Discretion of the Justice or Justices of the Peace, before whom he or they shall be Convict.

IX. Provided that nothing herein contained, shall extend to restrain any Tenants (to any persons not restrained by this Act) from keeping any Hound, Beagle, Spaniel or Grayhound, for the use of such their Land-lord; so as such Tenant shall not Hunt, or otherwise make use of such Hound, &c. but in the Company and Attendance of his Land-lord only.

X. None after the 20th day of October, aforesaid, not having an Estate of Free-hold of the yearly value of 100 pounds or upwards, or 1000 pounds Personal Estate, shall have or keep any Setting-Dog or Bitch, other then such persons as shall be Licensed thereunto, by the Justices of the Peace of the County where he shall live, at the General-Quarter-Sessions of the Peace, to be held for such County, next after Christmas in every year in order to the making and training up Setting-Dogs or Bitches, and that under such Regulations only, and no otherwise, as shall be allowed and specified in such License; and such persons so to be Licensed, are every Two years during the continuance of such their License, to Train up, Teach and Make some one or more Hound or Hounds, to Hunt on Dry foot; and in default thereof, that such License shall

shall be of no force, and shall be reputed so to have been from the Granting the same, and the Persons to whom the same was Granted, shall be liable to the same penalties, as if they had Acted without such License.

XI. None keeping a Gun to Fowl with, as Servant to any person not restrained by this Act from keeping the same, shall Sell or Dispose of any Fowl or Game he shall kill, to any person whatsoever, but shall bring the same to his Masters House, for his use, on pain that every person offending herein, shall for every such offence Forfeit 20 shillings, the said Offence to be Heard, Examined and Determined, by and before such persons, and the Forfeiture Levyed, Distributed and Divided in such manner as is before appointed for the offence of Shooting Deer, &c.

XII. No Non-Commissioned or private Soldier, belonging to any Regiment, Troop or Company, which is or shall be within this Kingdom, shall after the 20th day of October, aforesaid, be permitted to go out of his Garrison, or other Quarters, with any Gun or other Fire-Arms, unless on a March, or a Commanded party, by Command of the Officer in Chief, then present and Commanding there, on pain (being thereof Convict before some one or more Justices of the Peace for the County where such offence shall be committed) to Forfeit for every such offence 5 shillings, to be paid to such Informer as makes out such offence before such Justice of the Peace, and to be Levyed on his Warrant, by Distress and Sale of the Offenders Goods, rendering the over-plus to the party Distrainted on, and for want of Distress, the Offender by Warrant of such Justice of the Peace, to be sent to the Common Goal for such County, there to be kept in close Custody, without Bail for 10 days.

XIII. And the Officer in chief in such Garrison or Quarters, to which such Offender shall then belong, shall on demand, render the Body of the Offender into the hand of the Justice of Peace, or other chief Magistrate, to be dealt with according to Law. And in Case such Officer shall neglect or refuse to deliver up such Offender (being thereof Convict before one or more Justice or Justices of the Peace of the County where such Garrison or Quarters shall be) shall for such offence Forfeit 5 pounds, to be Levyed on the Warrant of such Justice or Justices, by Distress and Sale of the Offenders Goods, rendering the over-plus (if any be) one Moyety whereof shall be to the use of the Poor of the Parish, where such offence shall be committed, and the other Moyety to him or them that shall Inform of, and make out such offence before such Justice or Justices.

XIV. No Commissioned Officer of any Regiment, Troop or Company within this Kingdom, or any person Employed under him, shall Shoot or Course with Grey-hounds, any Deer, Hare, or other Game whatsoever, except on his own Ground, or otherwise by leave of the Owner of the Ground first had and obtained,

obtained, where he or they shall so Hunt or Course, on pain to Forfeit 5 pounds for every such offence; which Offences shall also be Heard and Determined, and the said Forfeiture to be Levyed and Divided as is shewed before for Shooting of Deer, §. 5.

4. & 5.  
Gul. &  
Mar. Cap.  
23. Engl.

XV. Every Constable, Headborough and Tythingman, or other person whatsoever, being thereunto Authorized by Warrant of one or more Justice or Justices of the Peace, under his or their Hands and Seals, shall have power, and are required to Enter into and Search (in such manner, and with such Power, as in Case where Goods are Stolen) the Houses, Out-houses, or other places belonging to such Houses, of suspected persons not Qualified, as aforesaid; and in case any Venison, Hare, Partridge, Pheasant, Pidgeon, Fish, Fowl or other Game, shall upon Search or otherwise be found, the Offender shall be carried before some Justice of the Peace of the same County; and if such person do not give a good account, how he came by such Venison, Hare, &c. as shall satisfie the said Justice, that the same was not killed or gotten contrary to this Act, or else shall not in some convenient time, to be set by the said Justice (not exceeding 6 days) produce the party of whom he bought the same, or some other credible person to depose upon Oath such Sale thereof; then such person shall be Convicted by the said Justice or Justices of such offence, and upon such Conviction, shall Forfeit for every Hare, &c. any Sum not under 5, and not exceeding 20 Shillings, to be ascertained by the said Justice, one Moyety to be paid to the Informer, and the other Moyety to the Poor of the Parish, where such Offender shall live, the same to be Levyed by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal of the Justice before whom the Offender shall be Convicted, rendering the over-plus (if any be) and for want of Distress, the Offender shall be committed to the House of Correction (for any time not exceeding one month, and not less than 10 days) there to be Whipped and kept to hard labour.

XVI. And in case any so produced and charged with the said Offence, shall not before the same Justice, give such Evidence of his Innocence, as aforesaid, he shall be Convicted thereof, in the same manner as the person first charged therewith, is hereby directed to be; and so from person to person, till the first Offender shall be discovered.

22, & 23.  
Car. 2. Cap.  
25. Engl.

XVII. And all Lords of Mannors or other Royalties, not under the Degree of an Esquire, may by Writing under their Hands and Seals, Authorize one or more Game keeper or Game-keepers, within their respective Mannors or Royalties, who being thereunto so Authorized, may Seize all such Guns, Hounds, Gray-hounds, Beagles, Land-Spaniels, or Setting Dogs, as within the precincts of such respective Mannors or Royalties, shall be used by such, who by this Act are prohibited to keep

keep or use the same: And the said Game-keeper or Game-keepers, or any other person or persons, being thereunto Authorized by Warrant under the Hand and Seal of any Justice of the Peace of the same County, may in the day time, Search the Houses, Out-Houses, &c. of any such persons prohibited by this Act, to keep or use the same, as upon good ground shall be suspected to have in their Custody, any Guns, Hounds, &c. And the same, to Seise and Keep, for the use of the Lord of the Mannor or Royalty, where the same shall be so found or taken.

XVIII. All Lords of Mannors and other Royalties, not under the degree of an Esquire, or any person or persons so Authorized by them, as aforesaid, may within their respective Mannors or Royalties, Oppose such Offenders, in killing or destroying the Game, contrary to this Act, in the night time in the same manner, and be equally indemnified for so doing, as if such Fact had been committed within any ancient Chase, Park, or Warren whatsoever.

XIX. After Conviction of any persons for any the Offences, as aforesaid; the Constable or other Officer, or persons Prosecuting, may detain in Custody such Offenders (in case they shall not presently pay the monies due by such Conviction) during such reasonable time, as a return may be conveniently had and made to the Warrant for the Distress upon such Conviction, so as such Detainer do not exceed Two days.

XX. Provided, that where any Offender shall be punished by force of this Act, that he shall not be Prosecuted upon, nor incur the penalty of any other Law or Statute, for the same Offence.

XXI. If any shall be Sued for any thing done in pursuance of this Act, they may plead the General Issue, and give the special matter in Evidence; and if the Verdict shall pass with the Defendant in such Action, or the Plaintiff become Non-sute, or suffer any Discontinuance thereof, then the Defendant shall have treble Costs.

XXII. If any inferior Tradesmen, Apprentices or other disolute persons, shall presume to Hunt, Hawk, Fish or Fowl, unless in Company with the Master of such Apprentice, duly Qualified by Law; such persons shall be lyable to the same Penalties as the persons on whom such Game shall be found, as aforesaid, are lyable unto; and may also be Sued for their wilful Trespass; and if found Guilty, the Plaintiff shall not only Recover his Damages, but his full Costs of Sute.

XXIII. Provided that nothing herein contained, shall restrain any person within any Mannor, from keeping Hounds, Beagles, Gray-hounds, Spaniels, or Setting-Dogs within the same, to Hunt, Sett with, or otherwise use in such Mannor; only so as the same be allowed of, and kept with the consent of the Lord of the Mannor for the time being, in which the

4, &c. s.  
Gul. &  
Mar. Cap.  
23. Engl.

3, &c. 4. Gul.  
& Mar.  
Cap. 16  
Engl.

4, &c. s.  
Gul. &  
Mar. Cap.  
23. Engl.

## Gaming.

same shall be so kept, appearing by License under his Hand and Seal.

### Gaming.

I. Stat. 10. Gul. 3. Sess. 2. Cap. 11. If any person or persons, at any time after the 25th Day of December, 1698. do, or shall by any Fraud, Shift, Couzenage, or unlawful Practise whatsoever, in Playing at, or with Cards, Dice, Tables, Tennis, Bowls, Kittles, Shovel-Board, or by Cock-fighting, Horse-Races, Dog-Matches, or Foot-Races, or other Pastimes, Game or Games whatsoever, or by bearing a part in the Stakes, Wagers, or Adventures, or by Betting on the Sides or Hands of such as do, or shall Play at, Ride or Run, as aforesaid; Win, or Acquire to themselves or to any others, any Sum or Sums of Money, or other valuable thing whatsoever: Then every person so Offending, as aforesaid, shall *Ipsa facta*, Forfeit treble the Sum or Value of Money or other thing so Won, &c. one Moyety thereof to the King His Heirs and Successors, and the other Moyety unto the person or persons grieved, or who shall loose the Money, &c. so as they Prosecute and Sue for the same, within 6 Callendar Months next after such Play; and in default of such Prosecution, the same other Moyety to such other persons as will Sue for the same, within one Year next after the said 6 Months are expired, to be Sued for or Recovered by Action of Debt, Bill, &c. in any of the King's Courts at Dublin, wherein no Essoin, &c. shall be Allowed; and the Plaintiff or Informer, in every such Sute, shall have and recover Treble Costs against the person Offending and Forfeiting.

II. If any, after the said Day, Play at any of the said Games, or any other Pastime, Game or Games whatsoever (other than for ready money) or shall Bett on the Hands or Sides of such as do, or shall Play thereat, and shall loose any Sum or Sums of money, or other things so played for, at any time or times whatsoever, upon Ticket or Credit, or otherwise, and shall not pay down the same, at the time when they shall loose the same, the Loser shall not in that Case be compellable to pay or make good the same; but the Contract for the same and for every part thereof, and all and singular Judgments, Statutes, Recognizances, Mortgages, Conveyances, Assurances, Bonds, Bills, Specialties, Promises, Covenants, Agreements and other Acts, Deeds, and Securities whatsoever, which shall be Obtained, Made, Given, Acknowledged, or Entred into, for Security or Satisfaction for the same or any part thereof, shall be utterly void; and the Winner shall Forfeit treble the value of all such Sum and Sums of Monies, or other thing or things, which he shall so Win, or Acquire upon Tick or Credit, as aforesaid, one Moyety thereof to the King, His Heirs and Successors, and the other Moyety to such as shall Sue for the same, within one

# Glebe-Lands. Grants. Gratuities. 133

one Year next after the time of such Offence committed; to be Sued for by Action of Debt, Bill, &c. in any of the King's Courts of Record at Dublin, wherein no Essoin, &c. shall be allowed; and the Plaintiff or Informer, to have Treble Costs, as aforesaid.

## Glebe-Lands.

I. Stat. 15. Car. 1. Cap. 11. Any person without License of Mortmain, may Endow Churches having no Glebe-Lands (or not above 10 Acres of Glebe) with New-Glebe, so as the Glebe, of any such Church so Endowed, do not exceed 40 Acres at the most.

## Grants.

I. Stat. 3, & 4. P. & M. Cap. 1. Power given to the Earl of Sussex Lord Deputy of Ireland, to Give and Grant (during the time he shall be Deputy) to all Their Majesties Subjects, English and Irish, Born within this Realm, or within the Realm of England, at his pleasure, such several Estates in Fee-simple, Fee-tail, for Years, Life or Lives, of every the Lordships, Lands, Tenements and Temporal Hereditaments whatsoever, Parcel of the Countries of Leixe, Slemange, Offaily, Irry, and Glinmaliry, for Planting the same with good Subjects) as he thinks fit. And to Command the Lord Chancellor or Lord-Keeper of the Great Seal of this Realm (by Warrant Signed with his Hand and Seal, which shall be their Discharge) to Sett Their Majesties Great Seal of this Realm, to every such Grant, which Grants so made and Sealed, shall be good in Law to every person (for what is therein Granted) against the King and Queen, Her Heirs and Successors, and all other persons.

II. Provided there be such Rents, Services, Conditions and Covenants Reserved to the King, and Queen, and Her Heirs and Successors, in every such Grant, as by the said Lord Deputy shall be thought expedient, for the better Advancement of Their Majesties, and Strengthning of the said Countries.

III. This Act shall not extend to any Lands or Inheritances Spiritual or Temporal of any persons, their Heirs and Successors, which are excepted by Proviso in the Act passed, Entiteling the King and Queen, Her Heirs and Successors to the said Countries (which see before Tit. Counties, §. 5, 6.) But that they shall Possess their several Lands and Interests, according to the said Provisoes in the other Act.

## Gratuities.

I. Stat. 9. Gul. 3. Sess. 1. Cap. 29. Whatsoever Sum of Money the Additional Duties Granted by this Act upon the Commodities therein mentioned (which see before Tit. Excise §. 102) shall yield unto the King over and above 50000 pounds See before Sterling (in the first place to be paid to him) shall be Applied as in Tit. Ex-follows, viz. 25000 pounds, in the building of Barracks for cise. §. Soldiers 110.

## Gratuities. Gray Merchants.

Soldiers, in the most necessary Places in this Kingdom, according to the Directions of the Chief Governours, to be forthwith Begun and Carried on from time to time, as fast as any part of the said Sum shall come in and be received. And 21027 pounds 3 shillings 6 pence half penny, further to be paid to the King, in Discharge of Quit-Rents, &c. (which see afterwards Tit. *Quit-Rent.*)

H. And after the time that the several Sums aforementioned have been paid to the King, out of the Additional Customs Granted to Him by this Act, that what further Sums shall be Collected by virtue thereof, shall be Applied to the use following, viz. 3000 pounds thereof to *Audley Mervin, Esq;* Eldest Son of *Henry Mervin, Esq;* Son and Heir of Sr. *Audley Mervin, Knight,* (Prime Serjeant to King *Charles the Second,* and in his Lifetime Speaker of the House of Commons in the Parliament, which began 1661, and continuing Speaker till the Dissolution thereof, 1666.) in part of the Sum of 6000 pounds (thought fit to be Bestowed on the said Sr. *Audley* for his great Service done to the King and the English Interest in this Kingdom, which he never Received.) And the other 3000 pounds to be equally divided between *Hugh Mervin and George Mervin, Esquires,* Younger Sons of the said Sr. *Audley Mervin:* And after the payment of the said 6000 pounds, that the further Sum of 600 pounds Sterling, shall be paid over, out of the said Additional Duties, unto *Richard Warburton of Garryhinch in the Queens County, Esq;* being a Sum due to him for Services performed by him during the said Parliament.

### Gray Merchants.

I. Stat. 33. H. 8. Sess. 1. Cap. 2. None (with Intent to Sell the same again) shall Buy or cause to be Bought within this Land, any Hydes, Fells, Chekers, Fleges, Yarn, Linnen Cloth, Wooll or Flocks, in any other place but only in the open Fair or Market.

II. Every person Offending herein (being duly Convicted) shall be Adjudged a Forestaller of the King's Market.

III. If any Damage shall accrue by reason of this Act, then power is given to the Lord Deputy, Lord Chancellor, &c. (by open Proclamation to be made in any of the said Fairs or Markets) to make void this Act, or such part thereof as they should think good; and after such Proclamation the same to be void.

IV. The Justices of the King's-Bench, and every Justice of Peace, in open Sessions, shall Enquire of the Offenders and Offences against this Act, and Hear and Determine the same, according to the Laws of this Land; and shall Punish and Tax like Fines on the Offenders, as though they were Convicted of any Forestalling of the King's Markets.

V. This

# Habeas Corpus.

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V. This Act being made but to continue till the last Day of the next Parliament (if not made void by Proclamation, as aforesaid) is Revived, Continued and made Perpetual, by the Statute of the 11. El. Sess. 1. Cap. 5.

VI. No Tanner or Barker within this Realm, is Prohibited by this Act, for the Buying of any Hydes to be Tanned or Barked, so that they do Tan or Bark the same.

VII. Nor shall this Act extend to Bind or Charge any of the Inhabitants of any County, City, or any Burrough Town, within this Realm, till such time as the same be Proclaimed there.

## Habeas Corpus,

I. STAT. 10. Car. 1. Sess. 2. Cap. 18. No Writ of Habeas Corpus or Certiorari, shall be Granted to Remove any Prisoner out of any Goal, or to Remove any Recognizance; except the same Writs do contain a Clause to certifie the true cause of the Imprisonment of the Prisoner, and the cause of taking the said Recognizance, and the Names of the Justices of Peace, who Committed such Prisoner, and took such Recognizance; and except the same Writ be Signed with the proper Hand of the Chief Justice (or in his absence) of one of the Justices of the Court, out of which the same Writ shall be Awarded, upon pain that he that writeth any such Writ (in other manner as aforesaid, and not being Signed as aforesaid) to Forfeit for every such Writ, 5 pounds; and all Writs of Certiorari or Habeas Corpus, Issued to the contrary, shall be utterly void, and shall be no Warrant to Remove the Prisoner or Recognizance.

II. STAT. 9. Gul. 3. Cap. 38. No Habeas Corpus or Certiorari, or other Writs whatsoever (other than Writs of Error or Attaint) to be Sued forth, after the 20th Day of November, 1697. by any persons whatsoever, out of any the King's Courts at Dublin, or out of any other Courts, having power to Award such Writs, to Stay or Remove any Action, Bill, Plaintiff, Suit or Cause, to be Commenced or Depending in any Court of Record, within any City, Liberty, Town Corporate or elsewhere, having power to hold Plea therein, and the same Cause of Action, &c. Arising within the said City, &c. shall after the said Day be Received or Allowed By the Steward, Judge or Judges, or Officer or Officers of the Courts wherein, or to whom any such Writs shall be directed and delivered; but that they proceed as though no such Writs were Sued forth or Delivered, except the same be Delivered before Issue or Demurrer joyned in the said Causes, so as the same be not joyned in 6 Weeks, next after the Arrest or Appearance of the Defendant, to such Action or Suit commenced.

21. Jas. 1.  
Cap. 23.  
Engl.

III. And

## Hawks. Hedge-Breakers, &c.

III. And if any Action, &c. commenced or depending in any such Court, after the Day aforesaid, be Removed or Stayed by any such Writs, and afterwards shall be Remanded by *Procedendo* or other Writ whatsoever, that then the said Action, &c. shall never afterwards be Removed or Stay'd before Judgment, by any Writs whatsoever, to be sued out of the Courts at Dublin, or any other Courts as aforesaid.

*Ve. Palmers Rep.*  
f. 403.

IV. And if any Action, &c. (not concerning Free-hold or Inheritance, or Title of Land, Lease or Rent) shall be commenced or depending in any such Court of Record, if it shall Appear or be laid in the Declaration, that the Debt, Damages or thing demanded, does not amount to, or exceed the Sum of 5 pounds, that then the same shall not be Stay'd or be Removed into any of the Courts aforesaid, by any Writs whatsoever, other than Writs of *Error* or *Attaint*.

V. And if any Writs whatsoever shall be (after the said Day) Sued out of any the Courts aforesaid, contrary to the meaning of this Act, that then it shall be lawful for the Judges or Officers to whom they shall be delivered, to refuse the same, and to Proceed as if no such Writs had been Sued out as aforesaid.

## Hawks.

I. *Stat. 20. E. 4. Cap. 1.* Merchants carrying Hawks out of this Land, shall pay for every Goshawk, 13 shillings 4 pence, for a Tiercel 6 shillings 8 pence, and for every Falcon 10 shillings, and Poundage accordingly.

II. Offenders against this Act, shall Incur the Penalty of 40 shillings every time, one Moyety to the King, and the other to the Finder or Informer.

## Hedge-Breakers, &c.

*43. El. Cap. 7. Engl.*

I. *Stat. 10. Car. 1. Sess. 2. Cap. 23.* If any shall cut or unlawfully take away any Corn or Grain growing, Rob any Orchard or Garden, break or cut any Hedge, Pails, Rails or Fence, dig, pull or take up any Fruit-Trees, in any Orchard or Garden or elsewhere, to the Intent to carry them away; Bark any Trees that are growing, spoil any Woods or Underwoods, Poles or Trees standing (not being Felony by the Laws of this Land) then they, their Procurers or Receivers, knowing the same, being thereof lawfully Convicted by the Parties Confession, or Testimony of one sufficient Witness, upon Oath, before a Justice of the Peace of the County, or Head Officer of a Corporation (where the Offence was Committed or Offender Apprehended) shall give the Parties such Satisfaction for their Damages, and within such time, as by any such Justice or Head Officer shall be appointed: And if in their Discretion they apprehend the Offender or Offenders not able to make such Satisfaction, then to be by them Committed to the Constable or other

# Hemp & Flax. Heretico Comburendo. 137

other Inferior Officer of the Peace (where the Offence was Committed or Offender Apprehended) to be Whipped, and every such Offence afterwards (and proved as aforesaid) the Offenders to receive the like Punishment of Whipping.

II. The Constable or other Inferior Officer that Refuseth or Neglecteth to do his Duty therein, at the Commandment of any Justice of the Peace or Head Officer, then to be, by the said Justice, Committed to the Common Goal of the County said Corporation, without Bail, till he Whip or cause to be Whipped the said persons so Offending, as is above limited.

III. No Justice of Peace or other Head Officer, shall Execute this Statute for any of the Offences done to himself.

## Hemp and Flax.

I. Stat. 11. El. Sess. 3. Cap. 5. None shall lay into any River, Stream, Brook or other fresh Running-water, any Hemp or Flax, or any Hydes with Lime bound up in them, to Engl. be Watered and Seasoned, upon pain of Forfeiture of the same, or the Treble value thereof, one half to the Queen, Her Heirs and Successors, and the other half to such as shall find or present the Offence to be Recovered by Action of Debt or Detinue, by Writ, Bill, &c. in any of the Queen's Courts, wherein no Essoin, &c. shall be Allowed.

II. Justices of the Peace in every Shire or Corporation (within the Limits of their Commissions) may Hear and Determine the same Offences, as well by Information as Presentment, as they do commonly upon Indictments of Trespass.

III. This Act shall not prejudice any Lords having Liberties for or concerning any of the Forfeitures herein expressed (falling within their Liberties) to have the same, as they have had, or might have had other Forfeitures and Penalties by their Charters or Grants.

IV. All Mayors, Bailiffs, Sheriffs and other Head Officers, *See more of* shall Four times in the Year, *viz.* once every Quarter, make *Hemp and* open Proclamation of this Act, in every Market, to be holden *Flax. Hic* within their several Jurisdictions: And also the Justices of *postea. Tit.* Goal-Delivery, Assizes, and Justices of the Peace, shall cause *Linnen* the same to be Proclaimed in their several Circuits and Sessions *Manufac-* held before them. *ture.*

## Heretico Comburendo.

I. Stat. 7. Gul. 3. Sess. 1. Cap. 2. The Writ *de Heretico Comburendo* with all Proces and Proceedings thereupon, to be *Cap. 9. En.* from henceforth utterly Abolished.

II. But nothing in this Act is to extend to take away or abridge the Jurisdiction of Protestant Arch-Bishops or Bishops or any other Judges of any Ecclesiastical Courts, in Cases of Atheism, Blasphemy, Heresy or Schism, or other damnable Doctrines; but that they may proceed to Punish the same,

according to the Ecclesiastical Laws (not extending to Death) in such sort and no other, as they might have done before the making of this Act.

### Herriots.

I. Stat. 10, & 11. Car. 1. Sess. 4. Cap. 18. None shall Seize upon or Distain any Cattel or other Goods whatsoever, upon pretence of an Herriot, (whereby the Laws of this Land, no Herriot is due) in pain of 40 shillings Sterling for every Offence, and to Restore to the Party grieved the Cattle or other Goods so taken, and render him Treble Damages, in any Sute to be brought by him, in any of the King's Courts for the same, by Bill or Plaintiff, one Moyety of the said Forfeitures to be to the Party or such other as will Sue for the same as aforesaid, and the other Moyety to the King, His Heirs and Successors, no Protection, &c. to be allowed.

II. This Act shall not extend to any persons, in Case where an Herriot is agreed upon, between any Lesser or Lessee, and especially Reserved by writing, nor to very Lord and very Tenant, where an Herriot-Service, or an Herriot-Custom hath heretofore been Accustomably paid or done by the Law.

### High Ways.

2. & 3. P. 1. Stat. 11, 12, & 13. Fac. 1. Cap. 7. The Constable<sup>s</sup> and Church-wardens of every Parish within this Realm, shall yearly, upon the Tuesday and Wednesday in Easter-Week, call together a Number of the Parishioners, and shall then Chuse Two honest persons of the Parish, to be Surveyors of the High-ways, Cashes and Places in their Parish, leading to any Market-Town; and these Officers shall have Authority to Order and Direct the Persons and Carriages (that shall be appointed for these works) by their discretions. And shall take upon them the Execution of their said Offices, in pain of 10 pounds.

II. The Constables and Church-wardens, shall then also appointed 6 days for Amending the said High-ways &c. before the Feast of St. John Baptist then next following, of which Days they shall give Notice openly in the Church the Sunday after Easter, which Days the Parishioners shall observe and Repair to the Amendments and Clearing of the same, and are chargeable as followeth, viz.

*Ve. Palmer's Rep.  
f. 389.*

III. Every person for every Plow-Land in Tillage or Pasture, that he, she or they Occupy within the Parish, and every other person keeping a Draught therein or Plow, shall send at every Day and Place appointed for Amendment of the High-ways in that Parish as aforesaid, one Wain or Cart furnished after the Custom of the Country, with Oxen, Horses or other Cattle, and Two able Men with the same, and Tools and all things necessary for such work, in pain of 20 shillings for every Draught, and 10 shillings for every Two Men making default,

default, and every Housholder and every Cottager and Labourer of the Parish, able to Labour (and being no hired Servant by the year) shall upon the said 6 Days go himself, or send a sufficient Labourer to work for him, in pain to Forfeit 2 shillings for every Day making default.

IV. If the Surveyors think any of the Carriages not needful, then such persons (whose Carriages are not thought needful) shall send Two able Men in room of every such Carriage spared, to Labour there that Day, in pain to Forfeit 2 shillings for every Man not sent; and every Person and Carriage shall bring with them, Shovels, Spades, Pick-Axes, Mattocks, Axes, and other Tools and Instruments necessary for the said work; and all the said Persons and Carriages shall work 8 Hours of every the said Days (unless by the Supervisors or one of them, they be otherwise Licensed) in such Places as they shall be appointed by the said Supervisors.

V. For the better Repair and Amendment of the said High-ways and Cashes, the Supervisors may (if they think it convenient) take and carry away so much of the Rubbish or small broken Stones of any Quarry or Quarries lying loose there, and ready digged by the Owners or by their License, and to cut and carry away any Underwood growing, lying or being within the Parish where they shall be Supervisors (without License or Impeachment of the Owners) as by their Discretions, they think necessary for the said work, the Parishes paying the Owners thereof, so much as the Supervisors shall value the same at: And for default of such Quarries or Rubbish to be found in their Parish, the Supervisors may enter into any Man's several Grounds (not being his House, Garden, Orchard or Meadow) within their said Parish, nigh adjoyning to to the Way or Ways, where such Reparations shall be thought necessary to be made, and where Gravel, Sand or Sinders is likely to be found, and there may dig or cause to be digged for the same, and may likewise gather Stones lying upon any Lands or Grounds within the Parish, fit for the said uses, and carry away so much as they shall think necessary in the Amendment of the said High-ways. But they must cause no more Pits to be digged (in any Man's several Ground) than one, and such Pit not to be above 10 yards in breadth and length at the most, and to be filled up again with Earth by the Supervisors, within one Month next after the digging thereof, at the charge of the Parishioners, upon pain to Forfeit to the Owners of the Soil, for every Default 5 pounds, to be Recovered by Action of Debt, as in other like Cases of Debt have been Accustomed.

VI. Where Boggs and Springs of Water are in the High-ways, the Supervisors may make Cashes of such Boggs, and turn any Course or Spring of Water there, into any Ditch or Ditches of the several Ground or Soil of any persons what-

5. El. Cap.  
13. Engl.

# High-Ways.

soever adjoining to the said Ways, as they in their discretions think most convenient.

VII. All Hayes, Fences, Ditches or Hedges next adjoining on either side to any common High-way, shall be Ditched, Scowred and kept low. And all Trees and Bushes growing in the High-ways, cut down by the Owners of the ground which shall be Inclosed with the said Hayes and Fences aforesaid, in pain of 20 pounds every one making default therein.

**18 El. Cap.** VIII. Every one occupying a Plow-Land, lying in several **10. Engl.** Parishes, shall be Chargeable only in the Parish where he dwells, for such Plow-Land, as aforesaid; and such as occupy several Plow-Lands in several Parishes, shall be Chargeable in every one of the said Parishes, to find and send one Car, Wain, Tumbel, Dung Pot or Court-lard, Cars or Dregs Furnished, and two Men, and other things as before-sliued, for Amendment of the said High-ways, in every of the said Parishes the said Plow-Lands do lye.

IX. None shall cast and lay the Soil of the Scowring of any Ditch in any High-way leading to any Market-Town, and suffer it to lye there 6 Months, in pain to Forfeit 12 pence for every Load: And where any has been formerly cast into the High-ways, the Supervisors may make Sluces or other Devices (where any such Banks are) to convey the Water out of the Ways into the Ditches.

X. Justices of Assize of Oyer and Terminer, and Justices of the Peace in their Sessions, and Stewards of Leets and Law-days in their Leets and Law-days, may Enquire, Hear and Determine all Offences against this Statute, and Assess such reasonable Fines and Amerciaments as they think fit therein; and all Penalties and Sums of Money Forfeited or to be Imposed for any Case within this Statute, shall be Levyed in every Parish by the Surveyors, by Distress and Sale, as has been used for Fines and Amerciaments in Leets; and the Money so Levyed to be Employed upon the High-ways (where the Offence was committed) within one Year. And the Supervisors to make a true Accompt at the Quarter-Sessions of the said County, before the Justices of the Peace there, or any Two of them (*Quo. un.*) at least once every Year, and to make payment of such Moneys (to their Successors for the Year next following) as they have Collected upon Estreats made to them, in pain of 40 shillings Sterling for every Default, and to be Committed till payment be made.

XI. The Clerk of the Crown or of the Peace and Stewards of Leets, shall make Indented Estreats of all Fines, Forfeitures and Amerciaments upon the said Defaults, and shall deliver one part thereof to the Surveyors of every Parish where the said Offence was Committed, yearly within 6 Weeks after Michaelmas; and the Surveyors shall have Allowed, upon their Accompt 8 pence for every pound by them Collected, for their own

own pains ; and 12 pence English per pound, for the Fees of the Clerk of the Crown, Clerk of the Peace or Steward of the Leet for their Eſtreats.

## Holy-Days.

I. Stat. 7. Gul. 3. Sess. 1. Cap. 14. Every Common Labourer (being Hired) or other Servant Retained, that shall refuse to work upon any other Day then the several Days after mentioned, (being thereunto required) upon usual wages, That is to say, All Sundays in the Year, the Day of the Circumcifion of our Lord Jesus Christ, Epiphany, the Conversion of St. Paul, the Purification of the Blessed Virgin Mary, St. Matthias, the Annuntiation of the Blessed Virgin Mary, St. Mark, St. Philip, and St. Jacob, St. Barnabas, the Ascension of our Lord, Nativity of St. John Baptist, St. Peter, St. James, St. Bartholomew, St. Matthew, St. Michael, St. Luke, St. Simon and St. Jude, All Saints, St. Andrew, St. Thomas, the Nativity of our Lord, St. Stephen, St. John, the Holy Innocents, Monday and Tuesday in Easter-Week, Monday and Tuesday in Whitson-Week, the Threes and Twentieth Day of October, Fifth of November, Thirtieth of January, and the Twenty-Ninth Day of May, yearly ; and that no other Day except the Days aforesaid, and such (as on some extraordinary Occasion) shall be set apart by Order of the King, His Heirs and Successors, or the Chief Governors of this Kingdom shall be kept Holy or to abstain from lawful bodily Labour ; every ſuch person ſo Refusing (being thereof lawfully Convicted by his own Confession or by the Testimony of one or more Witneſſes or Witneſſes upon Oath) before any Justice of the peace, in any County, Mayor or other Chief Officer where the Offence ſhall be Committed, or the Offender Apprehended, ſhall Forfeit 2 ſhillings, to be paid at ſuch time or to ſuch person as by the ſaid Justice or other Chief Officer ſhall be appointed to be Dispoſed of to the uſe of the Poor of the Parish where the Offence ſhall be committed ; and upon refuſal or negleſt of Payment, then the ſaid Justice, &c. to commit ſuch Offenders to ſome Conſtantle or other Inferior Officer of the County, City, Town or Corporation, where the offence ſhall be Committed, or the party Apprehended, to be publickly Whipped, which is to be Infliſted and Executed within 24 hours after ſuch Order made.

II. And if the Conſtantle or Inferior Officer aforesaid, do not by himſelf or ſome other Execute the ſaid Punishment ; then in ſuch Caſe, the ſaid Justice and all and every other Justice and Juſtices of the Peace, or Chief Officer, &c. (upon ſufficient Information thereof) may bind them over to the next General Quarter-Sessions of the Peace, or General-Affizes, or Goal-Delivery, which ſhall first happen, there to be Proceeded againſt for ſuch Contempt ; and if found Guilty (upon Examination of one or more Witneſſes) the Offender to be Fined at the

## Horses. House of Correction.

the Discretion of the Court, not to exceed 20 shillings for every such Offence.

III. No Justice of the Peace, or Head Officer, &c. shall Execute this Statute for any Offence done to himself, or whereof Complaint is not made within 10 days after such refusal to Work as aforesaid

IV. All Justices of Assize and Goal-Delivery, are required to give this Act in Charge at every Assizes, or Goal-Delivery within the several Counties of their Circuits; and to Enquire, Hear and Determine the Neglect of all Justices of the Peace and others in their due Execution of this Statute.

### Horses.

I. Stat. 3, & 5. P. & M. Cap. 5. No Cottager nor Labouring-man in Husbandry, nor Horse-boy, nor Kernaugh shall Buy any Horse, Garran, Gelding, Colt or Mare, nor make any Bargain for them, in pain of 40 shillings of Lawful money of Ireland, every time Offending, for every such Horse, Garran, &c. one Moyety of the said Penalty to the King and Queen, Her Heirs and Successors, and the other Moyety to such person as will Sue for the same, in the King's-Bench or Common-Pleas within this Realm, by Action of Debt, &c. no Essoin, &c. to be allowed.

II. This Act shall not Extend to any Carter, Carrier, Miller, Baker nor Tanner, Buying Horse, Garran, &c. for serving them in their Trade.

III. A Proviso not to be prejudicial to any Cottager or Labouring-man in Husbandry, nor Horse-boy, nor Kernaugh, but that they may yearly from the First of August, till the last day of October then next following, Buy and have a Horse, Garran, &c. to Labour and Draw home such Corn and other things as they shall have to do, during that time yearly.

IV. Stat. 10, & 11. Car. 1. Sess. 4. Cap. 15. None shall Plow, Harrow, Draw or Work with any Horse, Gelding, Mare, Garran or Colt, by the Tail, nor cause or suffer any other to Plough up, or Harrow his Ground, or to Draw any other Carriage with his Horses, Mares, &c. or any of them by the Tail: Nor shall pull the Wool off any living Sheep, or cause to be Pull'd instead of Shearing or Clipping them.

V. The Justices of Assize at the Assizes, and Justices of the Peace at their Quarter-Sessions, may Enquire of, Hear and Determine these Offences; and punish the Offenders by Fine and Imprisonment, as they in their Discretions shall think fit.

### Houses of Correction.

7. Jac. 1.

Cap. 4.  
Engl.  
Ve. Co. 2.  
Inst. fo.

728, 729.

I. Stat. 10, & 11. Car. 1. Sess. 4. Cap. 4. Enacted that before the Feast of St. Michael, 1636. within every County of this Realm shall be Built (or otherwise provided) one or more convenient House or Houses of Correction, with convenient Back-side

## Houses of Correction.

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Back-side thereunto adjoyning, together with Mills, Working Cards, and other necessary Implements, to set Rogues, Vagabonds, Sturdy Beggars and other Idle and Disordered persons on Work ; the same to be in some convenient Place or Town in every County ; which Houses shall be Purchased and Conveyed unto such persons (as by the Justices of Peace or major part of them in their Quarter-Sessions of the Peace held for every County of this Realm) shall be thought fit, in Trust that the same shall be Employed for the purposes aforesaid.

II. Every Justice of the Peace Resident within any County *Ve. Co. 2.* of this Realm, shall forfeit 5 pounds *Sterl.* for every year the *Inst. fo.* said House and Houses and Back-side (after the said Feast of 730.

*St. Michael*) shall not be so provided ; one Moyety of the said Forfeitures to them that will Sue for the same, by Action of Debt, &c. wherein no Essoin, &c. shall be allowed, and the other Moyety to be Employed towards the Erecting, &c. the said Houses and Back-sides, and such necessary Implements as aforesaid.

III. The Justices of Peace of every County, at any of their Quarter-Sessions of the Peace, may make such Orders (as the major part of them shall think fit) for the raising Money upon the Inhabitants of the said County for providing the said Houses, and for Government or for Stocks of Money for setting to Work such persons as shall be Committed to the same, and for the yearly payment of the Governors of the same, and for such other as they shall think necessary to be Employed therein : And shall at the same time of making such Order for the raising of Money (and so yearly afterwards) appoint an Able man Inhabiting in the said County, to be Treasurer for the Receiving and Paying out such Money, to continue in the Office one Year ; and at *Michaelmas* Quarter-Sessions every year (in the presence of Two Justices of the Peace) to give up his Charge, with a due Accomplice of his Receipts and Disbursements to his Successor. And if any (upon Election as aforesaid) refuse the Office, the Justices of the Peace in their Quarter-Sessions (or in their Default) the Justices of Assize at the Assizes to be holden in the same County, may Impose a Fine upon him by their Discretion, but not under 3 pounds *Sterl.* to be Levyed by Sale of his Goods, by Warrant from the Justices to such persons as they think fit ; and when Levyed, to be Employed to the use of the House of Correction.

IV. The Justices at their Quarter-Sessions (or the major part of them) shall from time to time, appoint a fit Governor or Master of the said House or Houses, who shall have power to Set such Rogues, Vagabonds, &c. as shall be brought or sent thither, to Work and Labour (being able) from time to time, during the time they continue there, and to punish them by putting Fetters or Gyves upon them, and by moderate Whipping ; and such Rogues, &c. during the time they

continue

## Houses of Correction.

continue there, shall not be chargeable to the County, nor have any Allowance, but what they shall deserve by their own Labour.

V. Every Master or Governor of the said Houses of Correction, shall have such a Sum of Money yearly, as shall be thought fit by the most part of the Justices of the Peace within the said County, at their Quarter-Sessions, and to be paid Quarterly before hand (by the Treasurer aforesaid) during the time he is Employed in the said Service, giving Security for the continuance and true performance of the said Service. And if the Treasurer neglect or refuse to pay, the Master or Governor may by Warrant from any Two Justices of the Peace of the said County, Levy by Distress and Sale of so much of the Treasurers Goods, as the Money behind does amount unto, rendering him the over-plus (if any be) and in default of Distress, any Two Justices as aforesaid, may commit the Treasurer to the County Goal, there to remain without Bail, until payment be made. Provided, that (before such Warrant Granted for Distress, or Committing of the Body) it do appear before the said Justices, either by the party's Confession, or the Testimony of Two sufficient Witnesses in the presence of the Treasurer, that he has so much Money in his Hands for that use, as will satisfie the said Master or Governor.

VI. If the said Master shall not every Quarter-Sessions yield unto the Justices a true Accomp't of all such persons as have been Committed to their Custody; or if they suffer them to be troublesome to the Country, by going abroad, or to Escape from them (before they shall be lawfully Discharged) then the said Master or Governor shall Incur what Fine the Justices, or the most part of them in Sessions shall think fit to impose upon them; and all Fines and Penalties not herein before Limitted shall be paid unto the Treasurer, and be Accompted for by him.

*Ve. Co. 2. Inft. fol.* VII. The said Justices of Peace of every County, or any Two or more of them, Twice in every Year at the least, and 731, 732. oftner if there be occasion, shall meet together for the better Execution of this Statute; and 4 or 5 days before their Meeting, shall by their Warrant Command the Constables of every Barony, Town, Village and Hamlet within the said County, or so many of them as they think fit (being Assisted with sufficient men of the same places) to make a General Privy Search, in one Night within their several Precincts, for the finding out and Apprehending of the said Rogues, Vagabonds, &c. and such as they shall then Find and Apprehend in the said Search, to bring them to the said Meeting, there to be Examined and Punished according to the Statute of the 33. H. 8. Cap. 15. in this Kingdom made against Vagabonds; or otherwise by their Warrant to be sent to the said House of Correction, within the said County, there to be Set to Work. At which times of Meeting

Meeting of the said Justices, the Constables of the said Baronies, &c. shall then Appear, and there give an Account upon Oath in Writing, what Rogues, &c. they have Apprehended in the same Search, and also between every such Meetings, and how many have been by them punished, or otherwise sent to the House of Correction; which if they neglect to do, or safely to Convey such Rogues with all other Idle and Disorderly Persons at the charge of the Constablewick, as by the Justices Warrants shall be sent thither; then they shall Incur what Fines the said Justices or the most part of them shall please to Sett upon them, so it exceed not 40 Shillings for every Offence.

VIII. All Begging Scholars, all Idle persons going about Begging or Using any subtle Craft, or unlawful Games or Plays, *Cap. 4.* 39. *Eliz.* or feigning themselves to have Knowledge in Phisiognomy Engl. Palmistry, or other like Crafty Sciente, or pretending that they can tell Destinies, Fortunes or such other like Phantastical Imaginations; all Proctors, Procurers, Patent Gatherers or Collectors for Goals, Prisons or Hospitals; all Fencers, Bearwards, Common Players of Interludes, and Minstrels wandering abroad, all Juglers, all wandering Persons and common Labourers, being persons able in Body, Using, Loitering and Refusing to Work for such reasonable Wages as are commonly given in such parts where they Abide or Dwell, having no Living otherwise to Maintain themselves; all persons Delivered out of Goals, that Beg for their Fees; or otherwise Travel Begging; all such as shall wander abroad pretending loss by Fire, or otherwise; all such as wandering Pretend themselves Egyptians, or wander in the Habit, Form or Attire of Counterfeit Egyptians; shall be Adjudged and Deemed Rogues, Vagabonds and sturdy Beggars, and shall be punished according to the Statute of the 33. *H. 8. Cap. 15.* before-mentioned (which see hereafter Tit. *Vagabonds, §. 6.*) or otherwise sent to the House of Correction in the County where they shall be found, as any one or more Justices of the Peace of the said County shall think fit.

IX. Persons being able to Labour, and Running away leaving their Families upon the Parish, shall be Deemed and Punished as Incorrigible Rogues. And if any Man or Woman Engl. (being able to Work) shall threaten to Run away and leave their Families as aforesaid, the same being proved by Two sufficient Witnesses upon Oath before Two Justices of Peace, in the County where they Dwell, or whither they Run; then the said person so threatening, shall by the said Justices be sent to the House of Correction (unless he or she put in sufficient Sureties for the Discharge of the Parish) there to be kept and punished as a sturdy and wandering Rogue, and to be Delivered by the said Justices at any of their Meetings, or at their Quarter-Sessions, and not otherwise.

X. If any shall be Sued for taking any Distress, or making any Sale or other thing by Authority of this Act, the Defendants may either plead Not Guilty, or make Avowry, Cognizance or Justification by vertue of this Act, Alledging in the same, that the Distress, &c. was done by Authority of this Act, and according to the Tenor thereof, without any Rehearsal of any other Matter; to which the Plaintiff shall be admitted to Reply, that the Defendant did the same of his own wrong; and upon Issue joyned, the whole matter may be given in Evidence at the Tryal; and if it be Tryed for the Defendant, or the Plaintiff be Non-Sute, then the Defendant shall recover Treble Damages and Costs, to be Assessed by the same Jury, or by Writ to Inquire of Damages as the Case shall require.

XI. The Justices of Assize in their several Circuits, may Enquire of all Defaults and Negligences of any Justice of the Peace, or any other Officer or persons whatsoever, in the not due Execution of this Law. And also of all Offences done contrary to the true meaning thereof; and may punish by Fine or Imprisonment, or otherwise, according to their Discretions.

### *Hue and Cry.*

27. El.  
Cap. 13.  
Engl.  
Ve. Hob.  
Rep. fo.  
246. Sider-  
fins Rep.  
fo. 263.

Ve. Co. 3.  
Inst. f. 116.  
Cap. 52.  
per tot.  
Sunder-  
s Rep. 2. vol.  
fo. 423.

I. Stat. 10, & 11. Car. 1. Sess. 4. Cap. 13. The Inhabitants and Resiants of every Hundred or Barony, with the Franchises within the Precincts thereof, wherein Default of fresh Sute after Hue and Cry shall happen to be, shall answer half the Damages to be Recovered against the Hundred or Barony wherein the Robbery or Felony shall be Committed, to be Recovered against them by Action of Debt, Bill, &c. in any of the King's Courts of Record, in the name of the Clerk of the Peace of such County within this Realm, where any such Robbery and Recovery shall be, without naming the Christian-Name or Sir-Name of the said Clerk of the Peace.

II. And here the Death of the Clerk of the Peace or Removal from his Office, after such Sute Commenced, before Recovery and Execution had therein, shall not abate the Sute; but the Succeeding Clerk of the Peace in the said County, may pursue the same, as the other might have done which first commenced the Sute.

III. Wherr in Case of Robberies, Damages are Recovered, and Execution had against one or some few Inhabitants of the Barony, then upon Complaint made by the party or parties so charged, unto Two Justices of the Peace (*Quorum unus*) of the same County, Inhabiting within the said Hundred or Barony, or near unto the same, where any such Execution shall be had, they may Tax Rateably and Proportionably (according to their Discretions) all and every the Townships, Parishes and Hamlets as well of the said Hundred or Barony as of the Liberties

Liberties within the same, towards one equal Contribution for Relief of the said parties, according to which Tax the Constables, Headborough or Headboroughs of every such Town, &c. shall Rateably and Proportionably Assess every Inhabitant and Dweller within their several Limits according to their Abilities, towards the payment of such Texation so made as aforesaid by the Justices : And if any Refuse to pay, then the said Constables and Headboroughs within their several Limits, may Distain the parties Refusing by their Goods and Chattels, and Sell the Distress, and Return the Money to the use aforesaid, rendring them the Over-plus, if any be ; and within 10 days (after the Sums of Money so Taxed be Levyed and Collected) shall pay and deliver the same unto the said Justices, or one of them, for the use of those for whom such Taxation is made, to whom the said Justice or Justices so Receiving the same, shall (upon Request) Deliver over the same.

IV. The like Taxation, &c. shall be had and done within the Hundred and Barony, where Default of Pursute shall be, for the Benefit of such Inhabitants there, that shall have any Damages or Money Levyed of them, for the payment of one Moyety of the Money Recovered against the said Hundred or Barony where the Robbery is Committed.

V. No Hundred, Barony or Franchise shall be chargeable *Ve. Co. 7.* with any Penalty, Loss or Forfeiture, when any one of the *Rep. fo. 7.* Malefactors shall be Apprehended by Pursute to be made, or *March Rep.* when the Parties Robbed do not commence their Sute within *pa. 10, 11.* one Year next after such Robbery Committed.

VI. No Hue and Cry shall be Allowed and taken to be law-  
ful, unless Pursute be made by Horse-men and Foot-men.

*Ve. Dyer.  
fo. 370. a.*

*pl. 59. Co. 7. Rep. fo. 6, 7. 2. Inst. fo. 172. 1.*

VII. No person Robbed shall maintain any Action for the same, unless with as much convenient Speed as may be, he makes the Robbery known unto some of the Inhabitants of some Town, Village or Hamlet, near to the place where such Robbery is Committed ; and within 20 days next before the Action brought, make Oath before some Justice of the Peace of the County, Inhabiting within the said Hundred or Barony where the Robbery is Committed or near unto the same, whether they do know the parties that Committed the said Robbery or any of them ; and if upon Examination it be Confessed that they know the Parties or any of them, then they shall before the said Action brought, Enter into sufficient Bond by Recognition before the said Justice, effectually to Prosecute the said person or persons so known by Indictment or otherwise, according to the due Course of the Laws of this Realm.

VIII. By the Stat. 7. Will. 3. Sess. 1. Cap. 21. and 9. Will. 3. Sess. 1. Cap. 34. The Remedies given by the said former

Statute of the 10. & 11. Car. 1. are laid aside during the continuance of these two Acts, which see afterwards in Tit. *Torys.* §. 18.

### Husband-men.

I. Stat. 25. H. 6. Cap. 7. The Sons of Husband-men and Labourers (that Labour and Travel upon the ground as to hold Floughs to Ere ground, and Travail with all other Instruments belonging to Husbandry to Manure the ground, and do all other works lawful and honest according to their Estate) shall be Labourers and Travellers upon the ground, as they were in old time, and in all other works lawful and honest according to their State.

II. Such Son of Husband-man or Labourer as does the contrary, (being lawfully Convicted thereof before any Judge of the King or Judge of Franchise) shall have one Years Imprisonment, and make Fine to the King or Lord of the Franchise, according to the discretion of the Judge before whom he is Convicted.

### Humiliation.

I Stat. 12. Car. 2. Cap. 30. The 30 Day of January (unless it fall out to be upon the Lord's Day) and then the next day following; for ever to be Kept and Observed in all the Churches and Chappels of the Kingdoms of England and Ireland, Dominion of Wales, and Town of Berwick upon Tweed, and the Isles of Jersey and Guernsey, as an Aniversary-Day of Fasting and Humiliation, to Implore the Mercy of God, that the Guilt of the Sacred and Innocent Blood of King Charles the First, may not be visited upon us.

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### Feofatles.

32. H. 8.  
Cap. 30.  
Engl. Ve.  
Moo. Rep.  
fo. 623.  
pl. 852.  
853. f. 692.

pl. 957. f.  
693. pl.  
959. f. 695.  
pl. 966. f.  
696. pl.

967. fol.  
60. 5. Rep.  
153. 163.

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STAT. 33. H. 8. Sess. 2. Cap. 3. In all Actions and Sutes in the King's-Bench Common-Peas or Exchequer, or before the Justices of Assize, after Issue Tryed by Verdict, there shall be Judgment given (by the Judges who ought to give the same) notwithstanding any Mispleading, lack of Colour, Insufficient Pleading, or Geofaile, any Miscontinuance or Discontinuance, or Misconveying of Process, Misjoyning of Issue, lack of Warrant of Attorney, for the Party against whom the said Issue shall be Tryed; and the said Judgment shall stand in Force according to the said Verdict (without any Reversal by Writ of Error) as though no such Fault had been Committed.

fol. 709. pl. 990. fol. 867. pl. 1198. Dyer fol. 284. 357. 347. 353. 367.  
f. 36, 37, 43. 49. 8. Rep. fo. 103. 11. Rep. 4. 7. Cro. El. f. 131. 133.  
&c. Palmers Rep. fo. 103, 104.

II. Provided that this Act shall not extend to bind any Justice or Justices, Judge or Judges to give Judgment in any Sute depending

depending between the King and any of His Subjects, nor that no such Erroneous Judgment, (upon the said Defaults, Negligence or Omission) to be given against the King, shall otherwise bind him, but as the same should have done, before the making of this Act.

III. Nor shall this Act extend to any Exceptions to be moved before any Judge or Judges, and not Allowed by them, whereupon a Bill thereof shall be Sealed, or Refused to be Sealed, but the same to be of the same Force as it was before the making of this Act.

IV. This Act standing upon Continuance, but to the Last Day of the next Parliament, is by the Statute of the 11. El. Sess. 1. Cap. 5. Revived, Re-continued and made Perpetual.

V. Stat. 10. Car. 1 Sess. 2. Cap. 12. After Verdict given in any Action in any Court of Record, Judgment thereupon shall not be Stayed or Reversed, by reason of any Default thereof in Form or lack of Form touching False Latin or variance from the Register, or other Default in Form in any Writ Original or Judicial, or by reason of any Imperfect or Insufficient Return of any Sheriff or other Officer, or for want of any Warrant of Attorney, or for Default in Proces upon or after any Aide Prayer or Voucher.

18. El. Cap.  
14. Engl.  
Ve. Moo.  
Rep. f. 684.  
pl. 944. f.  
710. pl.  
993. fol.  
898. pl.  
1261.

*Latcb. Rep. fol. 152. 194. Tel. Rep. f. 59. 169. Wync. Rep. f. 69. Rep. f. 35, 36, 37. 41. 49. 8. Rep. f. 163, Hob Rep. f. 49. 64. 70. cum multis aliis. Plo. f. 209. a. Noy. Rep. 72.*

VI. Also after a Verdict given in any Action in any Court of Record as aforesaid, the Judgment thereupon shall not be Stayed nor Reversed, by reason of any Variance in Form only between the Original Writ or Bill, and the Declaration, Plaintiff or Demand, or for lack of any Averment of any Life or Lives, &c. 165. of any person or Persons, so that upon Examination the said 189. 203. person be proved to be in Life, or by reason that the *Venire* 278. 312. *Facias Habeas Corpora or Distringas*, is Awarded to a wrong 480. *Noy.* Officer upon any insufficient *Suggestion*, or by reason the *Vijne Rep. f. 85,* is in some part Misawardred or Sued out of more places or of 86. *Cro.* fewer than it ought to be, so as some one place be right named, *El. f. 259.* or by reason that any of the Jury which Tryed the said Issue 467. *Sider.* is Mis-named, either in the Name, Surname or Addition in *Rep. fo.* any of the said Writs, or by reason that there is no Return 20. *Sau-* upon any of the said Writs, so as a Pannel of the Names of *dersRep. 1.* the Jurors be Returned and Annexed to the said Writ, or *part f. 247.* for that the Sheriffs Name or other Officers Name having the 248. 249. Return thereof, is not Set to the Return of any such Writ *& 2. part.* so as upon Examination it be proved, that the said Writ, was f. 158. *Cro.* Returned by the Sheriff or Under-Sheriff or such other Offi- *f. 655.* cer, or by reason that the Plaintiff in any *Ejectione Firme*, or in any personal Action or Sute, being an Infant under the *Ve. Siderf.* Age of 21 Years did Appear by Attorney therein, and the *Rep. f.* Verdict passed for him.

VII. But 173.

*Ve. Cro. Car. small Print fo. 227. Wynch. Rep. fo. 66. Hob. Rep. fo. 328.*

VII. But this Act shall not extend to any Writ, Declaration or Sute of Appeal of Felony or Murder, nor to any Writ, Bill, Action or Information upon Popular or Penal Statutes.

*Car. 2. Cap. 8 Engl. 16, & 17. Stat. 17, & 18. Car. 2. Sess. 3. Cap. 12.* After a Verdict given in any Action to be Commenced after the 25 Day of March, 1666. in any of the King's Courts of Record at Dublin, or in the Courts of Record in the County Palatine of Tipperary: Judgment thereupon shall not be Stayed or Reversed, for Default in Form, or lack of Form, or by reason that there are not Pledges, or but one Pledge to Prosecute, Returned upon the *Original Writ*, or for Default of Entring Pledges, upon any Bill or Declaration, or for Default of Alledging the bringing into Court of any Bond, Bill, Indenture, or other Deed whatsoever mentioned in the Declaration or other Pleading, or for Default of Allegation of the bringing into Court of any Letters Testamentary or Letters of Administration, or by reason of the Omission of *vi et Armis*, or *contra Pacem*, or for, or by reason of the Mistaking of the Christian Name, or Sir-name of the Plaintiff or Defendant, Demandant or Tenant, Sum or Sums of Money, Day, Month or Year, by the Clerk, in any Bill, Declaration or Fleading, where the right Name, Sir-name, Sum, Day, Month or Year, in any Writ, Plaintiff, Roll or Record Preceeding, or in the same Roll or Record where the Mistake is Committed, is, or are once truly and rightly Alledged, whereunto the Plaintiff might have Demurred, and shewn the same for Cause, nor for want of the Averment of *Hoc paratus est verificare*, or *hoc paratus est verificare per Record*; or not Alledging *pro ut patet per Record*, or for that there is no right *Venue*, so as the Cause were Tryed by a Jury of the proper County or Place where the Action is laid; nor any Judgment after Verdict, or Confession by *Cognovit Actionem*, or *Relicta verificatione* shall be Reversed for want of *Misericordia* or *Capiatur*, or by reason that a *Capiatur* is Entred for a *Misericordia* or a *Misericordia* is Entred where a *Capiatur* ought to have been Entred, nor for that *Ideo Confessum est per Cur*, is Entred for *Ideo Consideratum est per Cur*; nor for that the Encrease of Costs after a Verdict in any Action, or upon Non-Sute in Replevin are not Entred to be at the Request of the Party for whom the Judgment is given, nor by reason that the Costs of any Judgment whatsoever are not Entred to be by Consent of the Plaintiff: But that all such Omissions, Variances, Defects and all other matters of like nature, not being against the right of the matter of Sute, nor whereby the Issue or Tryal are Altered, shall be Amended by the Justices or other Judges of the Courts where such Judgments shall be given, or whereunto the Record shall be Removed by *Writ of Error*.

*Ve. Pop. Rep. f. 211, 212. Palmers Rep. f. 148.*

# Inclosures. Inn-holders.

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IX. But this Act is not to extend to any Writ, Declaration or Sute of Appeal of Felony or Murther, nor to any Indictment or Presentment of Felony, Murther, Treason or other matter, nor to any Proces upon any of them, nor to any Writ, Bill, Action or Information upon any Penal Statute other than concerning Customs and Subsidies of Tunnage and Poundage.

X. Stat. 7. Gul. 3. Sess. 1. Cap. 7. This last mentioned Statute, and also another Statute, in the 17, & 18. Car. 2. Intituled, *An Act to prevent Delays in Extending Statutes, Judgments and Recognizances*: (which see before in Tit. Extents) being both Expired, are hereby Revived and made Perpetual.

XI. And Enacted by the same Statute, that in all Actions Real and Personal, or Mixt, the Death of either Party between the Verdict and the Judgment, shall not be Alledged for Error, soas Judgment be Entred within two Terms after such Verdict.

XII. Stat. 9. Gul. 3. Sess. 1. Cap. 38. Enacted that the Statute made 10. Car. 1. Intituled *An Act for Expedition of Justice in Cases of Demurrer*: (which see before Tit. Demurrs. §. 1.) And the Act made for the Reformation of Jeofailes, &c. (which see before in this Tit. §. 5.) and the Act made 33. H. 8. Intituled, *An Act touching Mispleading and Jeofailes*: (which see also in this Tit. §. 1.) And another Act made 10. Car. 1. Intituled, *An Act to prevent Arrest of Judgments and Superseed-ing Executions*: (which see before Tit. Execution. §. 2.) shall from the 20th Day of November, 1697. be of Force in all Inferior Courts of Record in this Kingdom, and shall be as Effectual, and as duly Observed there, as if the said Inferior Courts had been particularly Named and Expressed in the several above-mentioned Acts.

## Inclosures.

I. Stat. 36. H. 5. Cap. 2. Every Tenant and Inhabitant of Towns and Villages, being in High-ways, may (without any Offence to the King or His Ministers) Inclose the same, leaving a sufficient High-way for Carts and Carriages through or near the same, so that people be not Interrupted in their Passage from Market to Market, and that the said Ways be not made above 40 Perches about; and every man that shall make any High-way, shall make it upon his own Land.

II. All Offices, Seisures or Indictments, found contrary to this Statute against any person, shall be void, and this Statute shall be Observed as well within Franchises and Liberties as without, and as well against Lords of Franchises and their Ministers and Officers, as against the King.

## Inn-holders.

I. Stat. 14, & 15. Car. 2. Sess. 4. Cap. 3. Every Hostler, Inn-holder or others, who shall take upon them the Charge and Keeping of Horses, Geldings or Mares in Stables or Out-grounds,

# Inrolments.

grounds, shall be Answerable for such Horses, Geldings or Mares, which shall be Delivered to them to be kept.

## Inrolments.

**27. H. 8.** I. *Stat. 10. Car. 1. Seff. 2. Cap. 1.* After the 1<sup>st</sup> of May, *Cap. 16. En* 1635. No Mannors, Lands, Tenements, or other Hereditaments, shall pass from one to another whereby any Estate of Inheritance or Free-hold shall take Effect in any person or persons, or any use thereof to be made by reason only of any *Hob. Rep.* Bargain or Sale thereof, except the same be made by Writing *fol. 128.* Indented, Sealed or Inrolled in any the King's Courts at *Dublin*, or else within the same County or Counties where the *Co. Lit. f.* same Mannors, &c. so Bargained and Sold lye and be, before *35. b. 2.* the *Custos Rotulorum*, and Two Justices of the Peace and the *Inst. fol.* Clerk of the Peace of the same County or Counties, or Two *671. i.* of them at the least, whereof the Clerk of the Peace to be one. *Rep. f. 5. a. 7. a. 2. Rep. f. 36. a. 4. Rep. f. 70. 5. Rep. f. 1. 7. Rep. fo. 40. b. 8. Rep. fo. 94. a. Cro. El. 166. 917. Cro. Jac. fo. 110. 129. 218. 408, 409. 1. Roll. fo. 424. Moo. Rep. f. 40, 41, 42. Ve. 2. Roll. f. 105. 119. 204. 1. Bulstr. 163. Pop. Rep. fo. 48. Plow. Com. fo. 307. a.*

*Ve. Arders.* II. And the same Inrolment to be made within 6 Months *1. Rep. fo.* next after the date of the same Writings Indented: The *Custos Rotulorum* or Justices of the Peace and Clerk, taking for *285. Dyer. f. 218. Co.* the Inrolment of every such Writing (where the Lands comprised therein exceed not the yearly value of 40 shillings) *& 5. Rep. f. 596.* 2 shillings, That is to say, 12 pence to the Justice, and 12 pence for the Clerk; and where the Lands exceed 40 shillings *f. 1. b. Dyer f. 355. a.* in yearly value, then to take 5 shillings, that is to say, 2 shillings and 6 pence for the Justice, and 2 shillings and 6 pence *pl. 37. Noy. Rep. fo. 106.* for the Clerk for Inrolling the same.

*Ve. Co. 2. Inst. f. 675.* III. The Clerk of the Peace, within every County, shall sufficiently Inrol and Ingross in Parchment, the same Deeds and Writings Indented as aforesaid, and shall deliver the Rolls thereof to the *Custos Rotulorum* of the said County, at the end of every Year, to remain in his Custody amongst the Records of the County, to the Intent that every one that has occasion, may Resort and see the Contents of every such Writing so Inrolled.

*Ve. 18. E. 3.* IV. This Act shall not extend to any Lands, &c. lying or *f. 29. Dyer. f. 229. Ho.* being within any Corporation within this Realm, wherein the Mayors, Recorders, &c. have Authority or have lawfully *Rep. f. 128.* used to Inrol any Evidences, Deeds or other Writings, within *Co. 2. Inst.* their Precincts or Limits.

*f. 675.* V. *Stat. 10. Car. 1. Seff. 2. Cap. 10.* Fines and Recoveries, *23. El. Cap. 3. Engl.* and all Writs, Returns, Warrants and other Matters relating to, or concerning them (being Extant and remaining) may upon Request or Election of any person, be Enrolled in Rolls of Parchment, by the Clerk or proper Officer, for such reasonable *Rep. f. 147.*

able Fees as the Court shall appoint, which Inrolment shall be of as great validity in Law, for so much of any of them so Inrolled, as the same being Extant and Remaining, were or ought by Law to be.

**VI. Stat. 17. &c. 18. Cap. 2. Sess. 5. Cap. 2.** By one Clause *V. Lieur.* in this Act, all persons then having any Grants or Patents of *de Stat. f.* any Lands, &c. or of any Titles of Honour or Dignity, or of *831.* any Annuity, Pension, Office or Employment, within this Kingdom, not then Enrolled, were to cause the same to be Enrolled in the Chancery of *Ireland*, within 2 Years after the Royal Assent to this Bill under pain of Forfeiture of 2 Years value of any Lands, &c. one Moyety to the King, and the other to the Prosecutor.

**VII. And by another Clause in the said Act,** all Letters *V. Lieur.* Patents to be Granted of any Titles of Honour, Offices, or Lands *de Stat. f.* whatsoever, shall contain, in the same a Clause, requiring the *831.* Patentees to cause the same to be Enrolled in the Chancery of *Ireland* within a time therein to be limited; and all Letters Patents wanting such Clause to be void.

### Intrusion.

**I. Stat. 15. Cap. 1. Cap. 1.** Where the King or those under whom he Claims, or others Claiming under the same Title, hath been or shall be out of Possession by the space of 20 Years, and hath not taken the Profits of any Lands, &c. within that space, before any Information of Intrusion brought to Recover the same; in every such Case the Defendant or Defendants may Plead the general Issue, and Retain the Possession, until the Title be Tryed and Found or Adjudged for the King.

**II. And where such an Information may aptly be brought on the King's Behalf, no *Scire facias* shall be brought, whereunto the Subject shall be forced to a special Pleading.**

### Inventory.

**I. Stat. 28. H. 8. Cap. 18.** Executors or Administrators calling or taking to them Two or more Creditors or Legatees (if there be any) or upon their Refusal or Absence, Two other honest persons of the next of Kin to the Deceased, or in their Default or Absence, Two other honest persons, shall in their presence make or cause to be made a true Inventory of all the Goods, Chattels, Wares, Merchandises, as well Moveable as Immoveable whatsoever; and the same Cause to be Indented, one part whereof shall be Delivered in by them upon Oath, unto the Ordinary, to Remain with him; and the other part thereof to Remain with the Executors or Administrators.

**II. And no Ordinary or other person having power to take Probates, &c. upon pain in the Statute contained, viz. (10 pounds Irish, one Moyety to the King, and the other to the person grieved, to be Recovered in any of the King's Courts,**

*21. Jas. 1.  
Cap. 14.  
Engl. V.  
Dyer. fo.  
238. b. Co.  
4. Inst. fo.  
116.*

*21. H. 8.  
Cap. 5. En.  
V. 1. Roll.  
f. 358.*

by Action of Debt, &c. wherein no Essoin, &c. shall be Allowed) shall refuse to take such Inventory to him presented, or cause any other to be made (if the said Inventory be presented to him or them, or intended to be delivered in Form aforesaid) in which Inventories all Corn and Cattel shall be Rated and Valued, at such price as hath been used to be Valued and Praised within the Diocese of Meath in every such Inventory of persons Deceased.

**Dyer. fol.** III. Lands, Tenements, &c. divided to be Sold, or the Money gotten for the same, nor the Profits of the said Lands, for any time to be taken, shall not be Accompted as any part of the Goods and Chattels of the person Deceased.

### Jointenants.

31. H. 8. I. Stat. 33. H. 8. Sess. 1. Cap. 10. Jointenants and Tenants in Common of any Estate of Inheritance in their own Ve. Dyer. Right, or in the Right of their Wives, of any Mannors, Lands, fol. 128. &c. within this Land of Ireland, may be Compelled to make 243. 265. Partition by Writ *de Partione facienda*, as Coparceners are 350. Bro. Compellable to do, and this Writ shall be Purchased at the Common-Law.

38. 42. Cro. El. fol. 759. Raft. pla. fol. 450. Co. pla. fo. 410.

**Ve Hob.** II. Provided that after such Partition made they and their Rep. f. 179. Heirs shall have Aide one of another or of their Heirs, to the Intent to *Deraigne* the Warranty Paramount, and to Recover for the Rate, as is used betwixt Coparceners after Partition made by Order of the Common-Law.

32. H. 8. III. Jointenants and Tenants in Common that hold Jointly Cap. 32. or in Common, for Term of Life or Years, or where one or En. Ve. Br. some of them hold for Life or Years, with other that have Tit. Parti- Estate of Inheritance or Free-hold, in any Mannors, Lands, tion, 38. 41. &c. shall and may be Compellable by Writ of Partition (to Co. Lit. fo. be Pursued out of the Chancery upon their Case) to make 175. a. b. Partition.

187. a. Dyer fo. 350. b.

**Ve. Leftat.** IV. But such Partition shall not be Prejudicial to any but de 9. Will. the Parties to the said Partition their Executors or Assigns. 3. Sess. 1. Cap. 37. for more easy obtaining Partition, in Tit. Partition.

### Ireland.

16, & 17. Car. 1. Cap. I. Stat. 16, & 17. Car. 1. Cap. 30. Engl. An Act for a speedy Contribution and Loan towards the Relief of the King's 30. Engl. Distressed Subjects of the Kingdom of Ireland.

16, & 17. Car. 1. Cap. II. Stat. 16, & 17. Car. 1. Cap. 33. Engl. An Act for the Speedy and Effectually Reducing of the Rebels in Ireland, to 33. Engl. their due Obedience to the King and Crown of England.

16, & 17. Car. 1. Cap. III. And certain other Additional Acts were (in the same Parliament) made for the same purpose, and for the Sale of 34, 35, 37. forfeited Lands there, viz Cap. 34, 35, & 37.

Engl.

IV. But

IV. But these Acts aforesaid, being of little or no use at this day, all the matters to which they Relate, being included within the Acts of Settlement made in the 14, & 15. Car. 2. Sess. 4. I have therefore forbore to Abridge them.

## Judgments.

I. Stat. 7. Gul. 3. Sess. 1. Cap. 12. After the Feast-day of the Nativity of St. John the Baptist, 1696. any Judge or Officer of the King's Courts at Dublin, that shall Sign any Judgment, shall at the Signing of the same (without Fee) set down the Day of the Month and Year of his so doing, upon the Paper, Book, Docket or Record which he shall Sign, which shall also be Entred upon the Margent of the Roll of the Record where the said Judgment shall be Entred.

29. Car. 2.  
Cap. 3. En.

II. And such Judgments as against Purchasers *bona fide*, for valuable Consideration of Lands, &c. to be Charged thereby, shall be Judgments only from such time as they shall be so Signed; and shall not Relate to the first Day of the Term whereof they are Entred, or the Day of Return or Filing the Bail.

## Jurors.

I. Stat. 32. H. 6. Cap. 2. Upon Inquisitions taken before Coroners, if the Jurors, upon their Oath, say that they do not know the Felon, the Coroner shall give them another reasonable Day, and if they then affirm the same, the Coroners shall discharge them.

II. If the Coroners will not then discharge them, they may depart and go to their Houses, without any Offence to the King or any of his Officers; and none of the Justices shall Award any *Habeas Corpora* for the same Jurors, nor any special *Venire* for the same matter.

III. Stat. 10. Car. 1. Sess. 2. Cap. 13. Where such persons as should pass upon the Tryal of any Issue, joined in any of the Courts of Record at Dublin, ought by Law to have Free-hold, worth 40 shillings per Annum, the Writs of *Venire facias* in such Cases shall be in this Form, *Rex, &c. precipimus, &c. quod venire facias coram, &c. duodecim Liberos & Legales homines de Visu de B. quorum quilibet babeat Quadraginta solidos Terr. Tenement. vel Reddit per Annum ad minus per quos rei veritas melius scire poterit, & qui nec, &c.* and so forth, the Residue of the Writ after the ancient Form. But in such Cases where it is not requisite the Jurors shall dispend 40 shillings per Annum, then that Clause *Quorum quilibet babeat Quadraginta solidos, &c.* shall be left out.

35. H. 8.  
Cap. 6. En.  
Ve. Godbol.  
Rep. pa.  
334. pl.  
417. 2.  
Roll. fo.  
331.

IV. And in every *Venire facias* that shall have the said Clause *Quorum quilibet, &c.* the Sheriff or other Minister (to whom the Return belongs) shall not Return any person in any Panel having less than 40 shillings per Annum Free-hold, within the County where the Issue is to be Tryed; and shall in every

V 2 such

# Jurors.

such Pannel, upon the same *Venire facias*, Return two sufficient Hundreds at the least, (if there be so many) within the said Barony or Hundred where the *Venue* lyeth, upon pain to Forfeite 20 shillings for every person Returned that can not dispend 40 shillings *per Annum*, and 20 shillings also for every Hundred that shall be omitted in such Return of the Number aforesaid; and the Return of two Hundreds or more shall be as effectual in Law as if Four or more (as has been Accustomed) had been Returned: And in every *Venire facias* wherein the Clause *Quorum quilibet*, &c. shall be omitted, they shall not Return any person, unless he have some Lands and Tenements of Free-hold Estate, in the County where the Issue is to be Tryed; and shall also Return two sufficient Hundreds as aforesaid, at the least, upon like pain as aforesaid.

V. Upon every Writ of *Habeas Corpora*, or *Distringas*, with a *Nisi prius*, the Sheriff or other Officer, shall Return Issues upon every Man as followeth, viz. upon the first Writ 5 shillings, at the least, upon the Second 10 shillings, upon the Third 13 shillings 4 pence; and upon every Writ afterwards, double the Issues last mentioned, until a full Jury be Sworn, or the Process otherwise Ceased or Determined, in pain of 5 pounds.

*Ve. 1. Roll.*

*fo. 52. 2.*

*Roll. fol.*

*76. 183.*

*391. Dyer.*

*fo. 193.*

*200. 245. Popb. Rep.*

*f. 35.*

*bolts Rep.*

*pa. 10. pl.*

*202.*

*Ve. God.*

*Tit. Issues.*

*86.*

VI. And in every such Writ of *Habeas Corpora*, or *Distringas*, with a *Nisi prius*, if a full Jury Appear not before the Justices of Assize or *Nisi prius*, or being full, fall short by Challenge of the Parties, the Justices (upon Request of either Party) may Command (as well where the King is Party, as where the Action shall be Prosecuted by any Informer; as well for the King as himself, as in all other Actions whatsoever) the Sheriff or other Minister, to Impannel so many others then present as shall make up a full Jury, who shall be Added to the former Pannel and their Names Annexed to the same; and the Parties may have their Challenge to the Jurors so named, and the Justices may proceed to Tryal of the Issue with those persons before Impannedel and those newly Added, as well as if all the Jurors had been Returned upon the *Venire facias*, and the Tryal shall be good and effectual: And if any person (as shall be named as aforesaid) being present, and do not Appear, or after Appearance, withdraw himself from the presence of the Court, the Justices may Fine him at their Discretion, to be Levyed as Issues of Jurors use to be by the Common-Law.

VII. And when the Jury shall be made full by Command of the Justices, yet the Jurors Returned to Try the Issue that shall make Default shall lose their Issues as if the Jury had remained Defective for want of Jurors.

VIII. Upon reasonable Excuse (for Default of a Jurors Appearance) proved by One or more lawful Witness or Witnesses upon Oath, before the Justice; they may Discharge the Issues lost, and in that Case the Sheriff or other Minister having Command to omit the Returning of such Issues, they shall not Incur any Penalty for not Returning the same.

IX. Also

# Justices of Assize. Kearnes.

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IX. Also upon the not coming of the Justices at the Day and Place appointed, so that the Assize or *Nisi prius*, for that time shall be Discontinued, or for any other occasion (other then by Default and lack of Jurors) then the Jurors shall be Discharged of their Issues Returned upon them, and the Sheriff or other Minister of their Penalties.

X. If upon any *Habeas Corpora* or *Distringas*, with a *Nisi prius*, Issues be Returned by the Sheriff or other Minister, upon any Hundredors or Jurors, and they not lawfully Summoned or Distrainted, the Sheriff or other Minister, for every such Offence, shall lose double the Issues returned upon such Hundredors or Jurors; and one Moyety of all the said Forfeitures (other then the Issues aforesaid) shall be to the King; and the other to him that will Sue for the same by Action of Debt, Bill, &c. in any of the King's Courts of Record, wherein no Wager of Law, &c. shall be Allowed.

XI. the Right of all others to Issues Forfeited is saved by this Act.

XII. This Act shall not extend to any Sheriff or Minister of any City or Town Corporate, for any Return of persons Inhabiting there, but that they may make such Returns as they used to do formerly, as if this Act had never been made, so that they Return like Issues as aforesaid.

## Justices of Assize.

I. Stat. 3. E. 2. Cap. 5. There shall be certain Justices Assigned to take the Assizes of *Mordancester* and of *Novel Disseisin*, in all the Counties of *Ireland*, and to deliver the Goals in the same, who shall (during their Offices) make Estreats of the Fines and Amerciaments, Chattels of Felons, and other manner of Profits, belonging to the King; and shall deliver the said Estreats into the Exchequer Twice every Year, viz. at *Easter Term*, and *Michaelmas Term*.

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## Kearnes.

I. Stat. 3. E. 2. Cap. 2. None shall keep Idle people nor Kearns in time of Peace, but at their own Costs, and not to be Chargeable to their Free-Tenants, nor Farmers nor other Tenants.

II. If any Idle-man or Kearn take any thing of any person against his will, the Justices of Peace and Sheriff of the County where the Offence is Committed (having Notice thereof) shall proceed against them as open Robbers.

III. Stat. 18. H. 6. Cap. 2. None of what Degree soever he be, shall bring or lead any Kearns or Hooden-men, neither English Rebels nor Irish Enemies, nor any other people, nor Horses, to lye on Horse-back, or on Foot upon the King's Subjects, without their good Wills, and Consents, but upon their

# King. Law Proceedings.

their own Costs, without doing hurt to the Commons of the Country ; and if any do so, he shall be Adjudged a Traytor.

## King.

I. Stat. 33. H. 8. Sess. 1. Cap. 1. The King, His Heirs and Successors Kings of *England*, shall have the Name, Stile, Title and Honour of King of this Land of *Ireland*, with all Prerogatives whatsoever to the Majesty of a King Imperial belonging ; and shall be so Named, Called, and taken to be Kings of this Land of *Ireland*, to have hold and enjoy the said Name and Title with all manner of Prerogatives thereunto belonging for ever, as United and Knit to the Imperial Crown of *England*.

II. Whosoever shall maliciously give occasion, by Writting, Deed, Print or Act, whereby the King, his Heirs or Successors may be Disturbed of the Crown of this Realm of *Ireland*, or of the Name and Title thereof, or cause any such thing to be done ; every such person and persons, their Aids, Councillors, Maintainers and Abettors therein, and every of them for every such Offence, shall be Adjudged Traytors and every such Offence shall be Adjudged High-Treason ; and being Convicted of any such Offence by Presentment, Verdict, Confession or Proofs, according to the Laws of this said Land of *Ireland*, shall suffer pains of Death, as in Case of High-Treason ; and Forfeit to the King, His Heirs and Successors, Kings of this Realm of *Ireland*, as well all their Estates of Free-hold of what nature soever, (which they or any to their use, had at the day of the Treason Committed) as also all Interest for Years of Lands or Rents, and all the Goods, Chattles and Debts which they had at the time of their Conviction or Attaintder.

III. The Right and Title of others is saved by the Act.

IV. Stat. 28. H. 8. Cap. 23. The King shall have to him, His Heirs and Successors as Annexed, and United to His and Their Imperial Crown of *England*, all the Parsonages and Churches of *Dongarvane*, *Rennegenagh*, *Kinsalbege*, *Argla*, *Glassmore*, *Amane*, *Whitchurcb*, *Tampleavin*, *Avie*, *Kylronane*, *Rosemore* and *Lysgenane*, and all their Emoluments and Hereditaments whatsoever.

## Law. Proceedings.

12. Car. 2. I  
Cap. 12.  
Engl.



**TAC.** 13. Car. 2. Sess. 1. Cap. 2. No Fines nor Recoveries, Verdicts, Judgments, Statutes, Recognizances, nor Inrolments of any Deeds, Wills, &c. nor no Proceedings in Law or Equity, in any of the Courts Sitting at *Dublin*, or any other Courts in any part of *Ireland*, since the 23d day of *October*, 1641. shall be Avoided for want or defect of a legal Power in the Judges, or by reason they were Prosecuted in the Name of *Custodes Libertatis Anglie*

*Auctoritate*

*Autoritate Parlamenti*, or of the Keepers of the Liberty of England, &c. or Oliver Lord Protector, &c. or of Richard Lord Protector, &c. or for that the same were in the Latin or English Tongue; but that the same should be of such and no other Force, as if such Proceedings had been by good and lawful Authority.

II. All Fines Levyed after the Death of King Car. 1. without any Entry made or Sum paid *pro Licentia Concordandi*, or Levyed in the Court of Common-Pleas, before one Judge only, shall be good, notwithstanding such Defects; and all Recognizances, Obligations and other Securities made or given to the Keepers, &c. Oliver or Richard Lord Protector, not Pardoned or Discharged by any Act to be Past in this Parliament (other than such as have been given to such Powers by any persons, by reason of their Adhering to the King or His late Father, all which are Declared to be void) and all Judgments, Extents, &c. had for the said Keepers or Protectors (other than as aforesaid) to be Prosecuted in the King's Name and for his use,

III. It is made lawful for any, finding themselves grieved by any Proceedings in the aforesaid Courts, to Proceed in due Form of Law, for the Reversing or Revoking of the same in such manner as they might have done, if the said Courts had been Established by lawful Authority, other than for those Errors and Defaults that are Remedied by this Act.

IV. All Proceedings had in the said Courts in any part in *Ireland*, to be Delivered up into the Chancery there; and if any find themselves Aggrieved by any Proceedings in the said Courts, they, their Heirs, Executors or Administrators, upon Complaint, by Petition or Bill in the said Court of Chancery, to have Redress therein; and every such Decree, Judgment, &c. (if there be just ground) may in the said Court (with the Assistance of the Judges of the Courts of Law, whereof one of the Chief Justices or Chief Baron, to be always one) be Examined, Redressed or Affirmed upon the Merits of the Cause, according to Equity, as they shall think fit.

V. No Non-Claim upon any Fine hereby Confirmed, shall extend to Bar any persons, their Heirs or Successors, or their Feoffees or Trustees, other than the Parties to the same and their Heirs General and Special and Trustees, as concerning such Right as they had to any Lands, which by Colour of any Act or Ordinance of both or either Houses of Parliament, or any Convention Sitting at *Westminster* Assuming the Name of Parliament, since the First day of May, 1642. and before the 23<sup>rd</sup> day of April, 1660. were Sold or Disposed as then or late the Lands of the King, Queen or Prince, or of Arch-Bishops, Bishops, Deans, Deans and Chapters, Colleges, or other Ecclesiastical Persons or Ecclesiastical Corporations, or as the Lands of any other Protestants, for their Adhering to King Car. 1. or Car. 2. so as their Claim, by way of Action or law-  
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# Law Proceedings. Leases.

ful Entry, where pursued within 5 Years next after the 29th of May. 1660.

VI. All pretended Indictments, Out-lawries; &c. of High-Treason against any for Levying War against the Usurped Powers or any of them, to be void; and all Grants and Assurances for Debts or Damages, made by any persons or their Heirs (whose Conviction, Out-lawry or Attainder, is made void by this Act) to be of the same Force, as if no such Conviction, &c. had been.

**12. Car. 2. Stat. 13. Car. 2. Sess. 1. Cap. 3.** No Proceeding at Cap. 3. En. Law between Party and Party in any of the Courts at Dublin, on the Last day of Easter Term, 1659. to be Discontinued, by reason of not keeping the several Terms of Trinity, Michaelmas and Hillary Term, 1659. and Easter Term, 1660. but the same to be good in Law, as if the said Terms had been kept, and the said Causes had been Legally Continued.

VIII. And made lawful to Enter a Continuance upon Record in every such Cause for every Term held after Michaelmas Term then last past; and the Proceedings to stand, and be Proceeded upon, notwithstanding the same were Commenced or Prosecuted in English; or Change of the King's Name, &c. or the Plaintiff might either Proceed therein, or begin *de Novo* at his Election; and in Case of Commencing a new Suit, the depending of the Former for the same matter, to be no Plea in Law or Abatement thereof.

IX. But Witnesses being Examined, and Publication, Granted of Depositions in any such Suit depending, either in the Chancery, or Chancery of the Exchequer; then no new Examination of Witnesses to be Admitted in any such new Cause.

X. Stat. 9. Gul. 3. Sess. 1. Cap. 38. Enacted that in all Inferior Courts, which have Power to Try Actions under 40 shillings and no more, there the Proceedings may be in English; and it shall not for that, or any other Defects in Form, be Quashed or Vacuated, if the same be Removed by Writ of False Judgment, or otherwise into any of the King's Courts of Record.

## Leases.

I. Stat. 28. H. 8. Cap. 25. Leases made by the King's Commissioners (named in the Act) or any two of them in the King's Name, of any the King's Old-Lands within this Land of Ireland, or of any such Lands as belonged to any of the Religious Houses, Suppressed and come to the King's Hands, or any of the Lands come to Him by reason of the Attainder of any persons, by Act of Parliament or otherwise, shall be as good to the Lessees and their Assignees for the Term mentioned therein, as if they had been Granted by the King, or had been Settled by the Chancellor of this Land, by virtue of immediate Warrant from the King, Signed by his Hand; albeit there be no Office nor Inquisition taken of the Premises.

II. All

II. All Warrants Signed with Two of the Hands of the said Commissioners, directed to the Chancellor or Keeper of the Great Seal, for Making and Sealing of such Leafes, to be as good a Discharge and Warrant to them for Making and Sealing the same, as though such Warrant had been Signed with the King's Hand.

III. Nothing in this Act shall extend to any Gifts or Grants made by the King (not Repealed by this Parliament) to any persons before the making of this Act, nor to any Leafes made before the 10th day of December, in the 29th year of the King's Reign, Granted to any persons under the Exchequer Seal; but that the same be of such Force as they were the day of the making of this Act.

IV. Stat. 10. Car. 1. Jeff. 3. Cap. 6. Leafes made of any Mannors, Lands, &c. by Writing Indented under Seal, for Years or Life, by any (being of full Age) Seised in Fee-Simple or Fee-Tail in Use or Possession in their own Right or Right of their Wives, or Jointly with their Wives of any Estate of Inheritance, made before or after the Coverture, shall be good against the Lessors, their Wives and Heirs, and every of them, according to such Estate as is Comprized and Specified in the Lease.

1050. Leo. 1. Rep. fol. 59. 130. 148. 3. Rep. fol. 156. Hutt. Rep. fol. 165. Cō. 8. Rep. fo. 34. 10. Rep. fo. 60. Cro. Jdc. fol. 173. Plo. Com. fol. 431. a. Noy. Rep. fol. 6.

V. But this Act shall not extend to any Leafes to be made of any Lands, &c. in the Hands of any Farmer, by vertue of an Old Lease, unless the same be Expired, Surrendred or Ended within one Year next after the making of the said new Lease, nor to any Grant to be made of any Reversion of any Mannors, Lands, &c. nor to any Leafe of any Mannors, &c. fo. 5, 6, 7. which have not been most commonly Letten to Farm or Occupied by Farmers by the space of 20 Years next before such Lease thereof made, nor to any Lease to be made above the Number of \* 41 Years or Three Lives at the molt, from the day of the making thereof; and that upon every such Lease there be Reserved, during the same Lease payable to the Lessors and their Heirs (to whom the same Lands should have come after the Lessors Death, if no such Lease had been there- of made, and to whom the Reversion thereof shall Appertain, according to their Estates and Interests) so much yearly Rent or more, as hath been most Accustomably yielded and paid for the same within 20 Years next before such Lease thereof made, and the Reversioners of such Mannors, &c. so Lett (after the Death of such Lessors or their Heirs) may have such like Rent. 2. Rep. fol. 45. Hob. Rep. fol. 324. \* By the Laws in England they can Lett but for 21 Years or 3 Lives.

medy against the Lessees thereof, their Executors and Assigns, as such Lessor might have had against such Lessee.

*Ve. Leon.* VI. Provided that the Wife be made a Party to such Lease, to be made by her Husband of any Lands, &c. of her Inheritance; and every such Lease be made by Indenture in the Name of the Husband and Wife, and she to Seal the same; and the Rent to be Reserved to the Husband and to the Wife, and to the Heirs of the Wife; and that the Husband shall not Alien or Discharge the Rent nor any part thereof, longer than during the Coverture, without it be by Fine Levyed by the said Husband and Wife.

*Jones Rep. fo. 60. Cro. Car. small print. fo. 15, 16.*

*Ve. Moo.* VII. No Fine, Feoffment or other Act to be made, suffered or done by the Husband only, of any Mannors, Lands, &c. being the Inheritance or Free-hold of his Wife, during the Coverture between them, shall make any Discontinuance thereof, or be prejudicial to the Wife or to her Heirs, or such as shall have Right and Title to the same after her Death, but that they may lawfully Enter according to their Rights, Fines Levyed by the Husband and Wife (whereunto the said Wife is Party) only excepted.

*71.b.72. a. 2. Inst. f. 342. 456. 681. 2. Roll. fo. 311. 410. 491. 499. Dyer. fo. 72. pl. 3. 162. pl. 48. 191. 264. 357. 363. Hob. Rep. f. 243. 261. Ve. Plo. Com. fol. 373. a.*

*Ve. I. Roll. fol. 162. Godbolds Re. f. 102. pl. 119. \* By the English Laws they can Sett or Lett but for 21 Years or 3 Lives.*

VIII. This Act shall not give Liberty to any such Wife or to her Heirs for to avoid any Lease hereafter to be made of any Inheritance of the Wife, by her Husband and her, for the Term of 41 Years, \* or for Term of Three Lives at the uttermost; whereupon, as much yearly Rent or more shall be Reserved and payable yearly during the same Lease, as was at any time paid within 20 Years next before the making of any such Lease, according to the Tenor of this Act.

*13. El. Cap. 20. 14. El. Cap. 11. 43. El. Cap. 9. En. Ve. Moo. Rep. fol. 270. pl. 422. fo. 606. pl. 836. fo. 641. pl. 883. Dyer.*

IX. Stat. 10, & 11. Car. 1. Cap. 2. All Gifts, Grants, Alienations, Leases, Forfeitures, Charges and Incumbrances whatsoever Imposed, Laid or Suffered by any Minister, Parson, Vicar, or other Beneficer, of any Benefice whatsoever (having Cure of Souls) within this Kingdom, or upon his said Benefice, or any part thereof, shall stand in Force for such time only as he shall be Resident upon the same, without Absence from it, above Eight days in any one Year, and for no longer time; and that all Covenants, Bonds, Statutes-Merchants, and of the Staple, Recognizances, Judgments, and other Securities whatsoever, to be Acknowledged, Made or Suffered by any such Beneficer, or Collaterally for, or on his Behalf, for the Enjoying of the Houses, Lands, Tythes,

Tythes, &c. of such Benefices or any part thereof, otherwise fo. 372. or for any longer or other time than as aforesaid, or whereby Godbolds such Beneficer shall be enforced or compellable to Resign his Rep. pa. 29. said Benefice, or to the intent to force such Beneficer to be Re. 154. 162. fident for the upholding of any Grant, Lease, &c. made as a Noyes Rep. foresaid, and allowed to stand in Force during such Residence, fo. 116. as is above shewed, shall be utterly void. Brownl. 1. Rep. pa. 208. Cro. El. f. 78. 88. 100. 123. 490. 564. Telv. Rep. fo. 106. Pop. Rep. f. 8. Leon. Rep. 1. part. fo. 307. 333. Boulstr. 1. Rep. fo. 111. Co. pla. fo. 205. Leon. 2. Rep. fo. 81. 1. Roll. f. 155. Bulstr. 3. Rep. fo. 202. Co. 3. Rep. fo. 59. b. 60. a. Hob. Rep. fo. 269. & Noyes Rep. fo. 66. & 116.

X. If the King, His Heirs or Successors, upon any Plantation to be made within this Realm, shall Endow any Parson or Vicar and their Successors, with any Glebe-Lands, in such Case the Incumbent thereof (for the Benefit of the Plantation) may (by the License of the Lord Deputy of this Kingdom and of the Privy Council) make any Lease of such Glebe-Lands whereof they shall, upon such Plantation, be newly Endowed; not exceeding 21 Years from the time of such Endowment made, under such Rents and other Reservations, as shall by the Lord Deputy and Council be directed.

XI. Stat. 10, & 11. Car. 1. Seff. 4. Cap. 3. Arch-Bishops, 13. El. Cap. Bishops, Deans and Chapters, Arch-Deacons, Prebendaries and 10. Engl. other Dignitaries Ecclesiastical, and also Masters and Governors Ve. Moo. and Fellows of Colleges and Hospitals, by their Writings Rep. f. 107. Indented under their respective Seals of Office (a Counter part pl. 251. f. whereof shall be Entred in their respective Register-Books, for 253. pl. the benefit of Succession from time to time) may Demise any 400. fo. the Lands or other Hereditaments belonging to their respective 593. pl. Churches, Colleges and Hospitals (the dwelling Houses for 802. fo. the most part of 40 years now last past used for any of their 778. pl. respective Habitations, and the Demesne Lands thereunto be. 1078. f. longing and there-withal, during the said time continually used 789. pl. and occupied as the Demesnes of the said Houses only excepted) 1089. Co. unto any person or persons for, or during the Term of 21 Lit. f. 44. years from the time of the making thereof \* whereof, or of a. a.b.3. Rep. ny part whereof, there shall be no other Lease or Estate then f. 59. 60. in being, which shall not Expire or be Ended and Determined 67.

within the space of one year then next coming, upon which \* By the Leaf or Leaves must be Reserved and Continued due and pay- Laws in able unto the said Lessors and their Successors, during the said England, Term of 21 Years, so much yearly Rent or more (at the peril they may of the Lessees who shall take the same) as the Moyety of the Lettfor<sup>t</sup> true value of the said Lands or other Hereditaments (Commu- years, or 3 nibus Annis) at, or immediately before the time of the making Lives, Re- of such Lease shall amount unto, as the same shall or may serving the thereafter appear, either upon a legal Tryal between the Suc- Accustomd cessor or Successors of such Lessees (if they shall question the yearly rent same) and the said Lessees or their Assigns, by Verdict of Twelve s. Rep. fo.

5. Rep. fo. indifferent Persons at the Common-Law or otherwise by the  
 2. s. 6. 14. Certificate of Four or more honest, equal and indifferent  
 166. 6. Persons, Authorized by Commission under the Great Seal of  
 Rep. f. 37, this Kingdom, to enquire and find the same ; and the said Cer-  
 38. 8. Rep. tificate Approved of by the Lord Deputy and Privy Council of  
 f. 70. 11. this Kingdom ; which Verdict or Certificate so respectively  
 Rep. f. 66. made or given, shall be Peremptory to both Parties and their  
 2. Rep. f. respective Successors and Assigns during the said Term, in  
 46. 4. Rep. which Leases or any of them, shall be contained no Power, Li-  
 f. 26. 1. berty or Priviledge for such Lessees or their Assigns to Com-  
 Roll.f.151. mit, Waste, or be Dispunishable of Waste.  
 171. 101. 168. 2. Roll. f. 169. 170. 275. 403. 405. 408. Co. 10. Rep. f. 60,  
 61. 62. Dyer f. 356. Brown 1. Rep. pa. 182. Godb. Rep. pa. 171. pl. 102. Cro.  
 El. f. 207. pl. 1. 430. 690. pl. 27. 874, 875. pl. 13. Cro. Jac. f. 95. 111, 112,  
 pl. 10. 673. pl. 6. Cro. Car. fol. 259. Vaug. Rep. fol. 204. Savil. Rep. fol. 129.

XII. All and every the persons afore-named and their Suc-  
 cessors or any of them (by License of the Lord Deputy, &c.  
 and Council of this Kingdom) may make Leases for a longer  
 Term or Time than 21 Years, of any their Lands or Grounds  
 fit for the necessary Building of Castles, Fortresses or other  
 Houses of Strength in places convenient and requisite for the  
 good of this Kingdom, and the Defence thereof, for such Term  
 and Time, and in such sort as shall be thought fit by the King  
 (for the persons aforesaid) also it shall be lawful for them (in  
 consideration of the Re-assignment, Surrender and taking in  
 of Fee-Farms, long Leases or Estates formerly Granted of  
 their Lands) and upon further Improvement of the yearly  
 Rents and Profits thereof to be reserved and paid to them and  
 their Successors (by and with such License as aforesaid) to  
 make any Lease or Leases for the Term of 60 Years or under,  
 of such Fee-Farm Lands, and of such Leased Lands for the  
 like Term, or for fewer Years, if the said Leases in being were  
 for fewer years.

14. El. Cap. XIII. Also the said Spiritual Persons, Colleges and Hospitals,  
 11. Engl. by their like Writings, Indented, Sealed, Entred and Enrolled  
 V. Leon. as aforesaid, may make any Lease or Leases for and during the  
 2. Rep. f. 4 Term of 40 Years, under the like valuable Rent as is afore ex-  
 138. 1. pressed, of all or any their Houses belonging to their Churches,  
 Roll. fo. Colleges or Hospitals and of the Curtalages belonging to the  
 161. same, which are Situate within any City, Town Corporate  
 or Market Town of this Kingdom, so as the same be not of any  
 their Mansion or Dwelling-houses or of any part thereof, or  
 any the Curtalages, Gardens or Orchards belonging thereunto.

XIV. All Rents and yearly Profits reserved upon the mak-  
 ing of all and every the Leases afore-mentioned, shall, from  
 such making, continue due and payable unto the said Lessors  
 and their Successors, during the respective Leases and Terms;  
 and shall, by no means, be Aliened, Released or Discharged, to  
 the prejudice of the Successors of such Lessors or any of them.

XV. Provided

XV. Provided that this Act shall not Restrain the most Reverend Father in God James Lord Arch-Bishop of Ardmagh, but he may make such Leases and for such Terms as are mentioned in the King's Letters Patents to him heretofore Granted in that behalf.

## Letters Patents.

I. Stat. 37. H. 6. Cap. 1. The Day of the Delivery of every Warrant made by the King's Justices, Lieutenant of Ireland or their Deputy, to the Chancellor of Ireland or his Deputy or Keeper of the Great Seal, shall be Entred of Record in the said Chancery; and the King's Letters Patents made thereupon to bear Date the same Day, and not to be Ante-dated.

18. H. 6. Cap. 1. En.

Ve. 20. H. 7. fo. 8.

Dyers Rep.

f. 133. Pto.

Co. fo. 491.

II. Letters Patents made to the contrary to be void.

III. Stat. 33. H. 8. Sess. 2. Cap 4. If any persons or their Heirs, or any having their Estate or any part thereof, in any Name, Stile, Honour, Title, Dignity, Degree, Annuity, Lands, Tenements or Hereditaments, heretofore or hereafter, of the King's Free Gift or Grant, do make any Confederation (which the Law Declares to be Treason) or do not perform such Covenants (Comprized in their Letters Patents) as they shall make with the King's Deputy and Counsel of this Realm or the more part of them, at such time as they Receive or Accept such Gift or Grant as aforesaid, (and the same be proved against them by due Course of Law, whereby they shall be Condemned) that then the Offenders or any Seised to their use shall Forfeit all such Right as they have in any Name or Names, Honours or Dignities, Lands, &c. by Force of any such Grants heretofore made or hereafter to be made by the King, His Heirs or Successors Kings of England.

IV. And in all such Grants hereafter to be made, these words following (or words to the same effect) shall be mentioned in the said Letters Patents, viz. That the same Person (to whom the said Gifts or Grants shall be made) or any of his Heirs or Assigns, having his Estate in the same or any part thereof, shall not from henceforth make any Confederation with any of His Highness Rebels or Enemies against His Majesty, or Attempt any willful War, Invasion or Destruction against His Majesty or His true, faithful and obedient Subjects, or by any other means, will Transgres any part of his or their Duties of Allegiance, which the Law declareth to be Treason, and thereof shall be Condemned by the due Order of Law; or do not perform such Promise, Agreement, Grant or Pacts, as they or any of them shall Make or Agree with his Graces said Deputy and the Secret Council mentioned and appearing within the said Letters Patents; that the said Person or Persons so Condemned in manner and form aforesaid, shall Forfeit, to the King, His Heirs and Successors, all such Title and Possession as they shall have or Claim by Force of any such Grant

# Letters Patents.

Grant of any such Honour or Dignity, with the Lands, Tenements or Hereditaments.

*Ve. Hic post Stat. 10. Car. 1. Sess. 1. Cap. 3.* V. Provided that all other Forfeitures for Treason, shall be saved to the King, as they were afore the making of this Act.

*Ve. Hic post Stat. 10. Car. 1. Sess. 1. Cap. 3.* VI. Some Doubts arising about the Validity of some Estates in Ireland, Granted by Letters Patents; It is therefore by this Statute Enacted, That all Persons, Bodies Politick and Corporate, as well Spiritual as Temporal, shall Hold and Enjoy all such Mannors, Lands, &c. of what Nature soever, according to the Purport of the said Letters Patents, and that the same shall stand and be of Force, and Bind and conclude as well as the King, his Heirs and Successors, as also all other Parties to the same, their Heirs and Assigns and all Claiming under them, in all things according to the Purport and true meaning of the same Letters Patents.

VII. The Right of others (other than the King, His Heirs and Successors) is saved by the Act.

*32. H. 8. Cap. 34. Ve. 2. Rep. fol. 282. Moo. 159. pl. 300. 242. pl. 380. 243. pl. 382. 525. pl. 694. 527. pl. 695. 1. Roll. f. 81. Roll. f. 170. Cro. El. f. 805, 806. Cro. Jac. fo. 305, 399, & 521. Dyer. fo. 308, & 309. Co. 3. Rep. fo. 62. b. 5. Rep. f. 18. a. Styles Rep. f. 316. Godbol. Rep. pa. 161. pl. 227, 276. pl. 391. Vaugh. Rep. f. 316. Co. Lit. f. 215. a. b. 3. Rep. f. 65. a. 5. Rep. f. 111. a. 112. b. Cro. El. f. 328. 457. 559, 600. 617. 650. 832. Cro. Jac. 523. Dyer. f. 27. 114. 131. 178.*

*32. H. 8. Cap. 34. Ve. 2. Rep. fol. 282. Moo. 159. pl. 300. 242. pl. 380. 243. pl. 382. 525. and Assigns, for Non-payment of Rent, Waste or other Forfeitures, not Performing Covenants, &c. as the Lessors or Grantors themselves or their Heirs or Successors might have had if the Reversion of such Lands, &c. had Remained and continued in the said Grantors or Lessors, their Heirs or Successors.*

*32. H. 8. Cap. 34. Ve. 2. Rep. fol. 282. Moo. 159. pl. 300. 242. pl. 380. 243. pl. 382. 525. and Assigns, for Non-payment of Rent, Waste or other Forfeitures, not Performing Covenants, &c. as the Lessors or Grantors themselves or their Heirs or Successors might have had if the Reversion of such Lands, &c. had Remained and continued in the said Grantors or Lessors, their Heirs or Successors.*

*32. H. 8. Cap. 34. Ve. 2. Rep. fol. 282. Moo. 159. pl. 300. 242. pl. 380. 243. pl. 382. 525. and Assigns, for Non-payment of Rent, Waste or other Forfeitures, not Performing Covenants, &c. as the Lessors or Grantors themselves or their Heirs or Successors might have had if the Reversion of such Lands, &c. had Remained and continued in the said Grantors or Lessors, their Heirs or Successors; all Benefits and Advantages*

# Letters Patents.

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tages of Recoveries in value, by reason of any Warranty in Deed or in Law, by Voucher or otherwise only excepted.

X. Stat. 10. Car. 1. Sess. 3. Cap. 2. All Grants and Letters Patents hereafter to be Passed, of any Lands of what Nature soever, (by Colour of any Commission of Grace, for Remedy of Defective Titles, Issued or hereafter to Issue) and all and every Clause therein contained, shall be good in Law against the King, His Heirs and Successors, according to the Estates therein mentioned, as if they were Affirmed by Authority of this Parliament: And all Grants and Letters Patents, and every Clause therein to be contained, shall be always taken for the best Advantage of the Patentees, their Heirs, &c. against the King, His Heirs and Successors. *Ve. Hic postea. S. 17.*

Ve. Co. 2.  
Inst. f. 496.  
497. 6.  
Rep. f. 5. 6.

XI. And all Grants and Letters Patents shall be Expounded to Inure, by way of Grant, Confirmation, Release or other Assurances from the King, His Heirs and Successors, of all His Right and Title of and in all and singular Lands, &c. as in such Letters Patents shall be Granted unto such Patentees, their Heirs, &c. according to such Estate as shall be there in mentioned, to be Passed, as shall be most Beneficial for them; and that they shall have and enjoy the same against the King, His Heirs and Assigns for ever.

XII. Upon shewing of Cause of Exoneration to be mentioned in such Letters Patents, or the Inrollment thereof (to be passed on such Commission as aforesaid) in the Court of Exchequer, the said Patentees, their Heirs, &c. shall be freely Acquitted and Discharged for ever, against the King, His Heirs and Successors, of, and from all former Rents Services and Demands whatsoever out of any such Lands as in, or by such Letters Patents so to be Passed, shall be Reserved and Exprefed; and that all other former Rents Services and Demands Reserved out of any such Lands and Tenements which are limited or mentioned in any other Letters Patents shall be Extin-guished, and by Order of the said Court of Exchequer, shall be put out of Charge against them, without any Plea, Sute or other Charge, other than the ordinary Fees for procuring of such Order of Discharge.

XIII. This Act of Explanation, as also the said former Act last above recited; and every Clause therein, shall be Construed and Expounded most strong against the King, His Heirs and Successors, and most Liberally and Beneficially for the Grantees or Patentees, their Heirs, Successors, Executors, Administrators and Assigns, as shall pass any Letters Patents upon such Commissions for Remedy of Defective Titles.

XIV. Stat. 15. Car. 1. Cap. 6. All Letters Patents Past or to be past under the Great Seal of Ireland, of any Castles, Ho-nours, Lands, &c. within this Kingdom, (by vertue of any Commission of Grace Granted since the Beginning of the King's Reign) to any Person or Persons, Bodies Politick, &c.

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## Letters Patents.

(other than Letters Patents Past or afterwards to be Past of one and the same thing, or of one and the same and other things, to one and the same Persons, &c. or to their uses or in Trust for them, or with Remainders over, or otherwise by vertue of any such Commission) and every Clause and Thing in every of the said Letters Patents contained (other than in the said latter Letters Patents) shall, as to such of the Lands, Liberties and Premisses, being within any of the late Plantations within this Kingdom, made by Q. Eliz. K. Jac. 1. or K. Car. 1. be good and effectual to all Intents and Purposes, as well against the King, His Heirs and Successors as against all others, and as to all the rest of the Premisses, to be good against the King, His Heirs and Successors notwithstanding any Defect or Law whatsoever, that may any ways Enfeeble or Avoid the said Letters Patents ; and that the Patentees, their Successors, &c. from and immediately after the new Passing or Sealing of such Letters Patents, may peaceably Hold and Enjoy their Estates to them Granted, according to the true meaning thereof, as aforeshewed, Free from all Incumbrances and Demands whatsoever, other than the Rents, Reservations, Services, Conditions, Covenants and Charges, Reserved in the said Letters Patents.

XV. And such Letters Patents past, or afterwards to be past, of one and the same Things, or of one and the same and other Things, &c. (as aforeshewed) are declared to be good and effectual to all purposes, after the same manner as is already shewed in the preceeding Section, of the other Letters Patents to be good against the King, His Heirs and Successors, and all other Persons whatsoever, as to such Premisses as are lying within any of the new Plantations before mentioned ; and as to the rest to be good against the King, His Heirs and Successors only, &c.

XVI. A Clause declaring how the Tenure of Lands Granted by such Letters Patents, should be expounded ; but this Clause is now void, all Lands being now held in Free and common Socage, by the Stat. 14 & 15, Car. 2.

XVII. The King declared to be adjudged in the Real Seisin and Possession of a good Estate to Him, His Heirs and Successors, in Right of His and their Imperial Crown, of, and in all and singular the Castles, Honours, Lands, &c. in the several Counties of Tyrone, Ardmagb, Donegal, Fermanagh, Cavan, Leitrim and Longford ; and of the Lands and Countries of Ely O Carroll, alias Carroll's Country, Fercal, alias O Molloies Country, Kilcourfie, alias Foxes Country, Delvin Coglan, alias Cogblanis Country, in the Kings County, Upper Offory, alias Mac Gill Patrick's Country, and Iregan, alias O Doynes Country, in the Queen's County, the Murrows, Kilbobuck, Clambenrick, Ferianhamen Killekeel, alias Mar Vadocks Country, Kilcoolerelin, alias Coolevelin, alias Mac Morris his Country, Kensbelagbs Macda-

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mors Country, and Brackenagh in the County of Wexford; Renelagh, alias Conleranel, the Birns Country, Cob Shillela and the Ferry, alias Farter, in the County of Wicklow; and Idoug<sup>b</sup>, alias Odoug<sup>b</sup>, alias Brenan, in the County of Kilkenny; and also of all the several Towns, Villages, Hamlets, Lands, &c. called Plantation Lands, in or near the Territories or Countries of Cloncolman, alias O Melagblins Country, in the County of West-Meath, and in or near the Territory and Country of Fairran O Neal, in or near the County of Wexford; and of and in the Towns and Lands of Tourby, in or near the Territories of Ranelagh aforesaid; and also of all the Castles, &c. in the several Counties of Waterford, Cork, Limerick, Kerry, and Tipperary called Plantation Lands, or past as such by Letters Patents, to any British Underakers, by Birth, Blood or Descent; and that at any time whensoever any of the same Premises, within the space of 5 Years next ensuing the End of this Session of Parliament, shall be Granted or new Passed by virtue of such Commission of Grace as afore-mentioned, to any being either former Patentees, or Reputed Inheritors or Proprietors, or by former Assignation have taken the Profits thereof, their Heirs, &c. or any in Trust for them: That then immediately after the Passing or Sealing of any such Letters Patents in manner before specified, they shall hold the same Premises so Granted, peaceably and quietly as aforesaid, against the King, His Heirs and Successors, and all others whatsoever, Free from all Incumbrances and Demands, other than such Rents and Services, as shall be therein and thereby Reserved; and that every Clause in the said Letters Patents, shall be Expounded most Liberally and Beneficially for the Patentee, and most strongly against the King His Heirs and Successors for ever.

XVIII. The Breach of any Proviso, Condition or Covenant, in any of the aforesaid Letters Patents, shall be no Forfeiture of the same, nor any Cause of Fine or Imprisonment or other Punishment of the Party delinquent, or any other Loss, but that the King, His Heirs and Successors shall Recover reasonable Damages for the same, by Action of Covenant in any of the King's Courts, or by English Bill in the Exchequer, as in Case of Breach of Covenant is usual to be given in Actions of Covenant brought at the Common Law, in any of the Ordinary Courts of Justice, upon such like Breach, provided that the King, His Heirs and Successors shall not hereby be Barred of any Entry or Re-seizure for Breach of any Express Condition in any of the said Letters Patents expressed.

XIX. As well this Act made for strengthening of Letters Patents, as also the Statutes of 10. Car. 1. Sess. 1. Cap. 3. and Sess. 3. Cap. 2. & 3. (which see in this Title here before) made for the same purpose, and every Clause therein, shall be Expounded most strongly against the King, His Heirs and Successors,

# Letters Patents.

and most Liberally and Beneficially for the Patentees, their Heirs, Successors, Executors, Administrators and Assigns.

**XX.** Provided that this Act shall in no wise, Bar or Prejudice the Right or Title of any Arch-Bishop, Bishop, Dean, Chapter, Arch-Deacon, Dignitary Prebendary, Parson, Vicar, or other Spiritual or Ecclesiastical Person, to any Manors, Lands, Tenements, or Hereditaments, being the Inheritance and Possession of their respective Churches.

**XXI.** *Stat. 14. & 15. Car. 2. Sess. 4. Cap. 20.* The Letters Patents Dated at Westminister, 22. April, 14. Car. 2. wherein and whereby the King does Restore and Grant to James Duke of Ormonde, and the Heirs Males of his Body, and for Default of such Issue, to the Heirs Males of the Body of Peter Butler, some time Earl of Ormonde and Offory, all the Franchises, Liberties and Jurisdictions, which Walter late Earl of Ormonde and Offory, Grand-father to the said Duke, did Use, Hold and Enjoy, in and through the whole County of Tipperary, in the Kingdom of Ireland, Court of Chancery, and also the Court of Record, held before the Steward of the Liberty of the County aforesaid, and the Court of Sessions and Goal-Delivery, the Court and Tourn of the Sheriff, and also the Nomination, Ordaining and Constituting of several Officers within the said Liberty of Tipperary, viz. the Chancellor, Treasurer, Steward, Master of the Rolls, Justices, Attorneys, Escheator, Sheriff, Clerk of the Crown, Clerk of the Market, and Coroners, who were the Officers of the said Earl, for the Liberty aforesaid, Escheats, Felons Goods, &c. which by virtue of a Judgment obtained by Default upon a Quo Warranto brought in the time of King Jac. I. (the King's Grand-father) against the said Walter late Earl of Ormonde and Offory and others, (the said Walter being then in Prison) were seised into the Hands of the said King James, but now Re-granted and Confirmed by King Charles the Second, by Letters Patents, Dated as aforesaid (and Recited *Verbatim* in this Statute) unto the said James Duke of Ormonde; which said Letters Patents are Ratified and Confirmed by this Act.

**XXII.** And all the said Royalties, Franchises, Liberties, Exemptions, Priviledges, Concessions, Jurisdictions; and all other things of what nature or fort soever they be, Contained or Granted by the said Letters Patents, are Vested, Settled and Adjudged to be in the said James Duke of Ormonde, and the Heirs Males of his Body Begotten, and every other Person and Persons in Remainder, Limitted by the said Letters Patents; and that he and they, shall and may Hold, Use, Possess and Enjoy, all the said Royalties, &c. and all other things of what nature foever, according to the Purport of the said Letters Patents; and with such and the same Priviledges and Commodities, in as ample Manner and Form to all Intents and Purposes, as in and by the said Letters Patents are Mentioned and Appointed.

**XXIII.** Saving

XXIII. Saving to all others, their Heirs and Successors, all such Franchises, Liberties, Priviledges and Jurisdictions as they, or any of them Had, Used or Injoyed in the said County of *Tipperary*, or County Cross *Tipperary*, or either of them, before and till the said Judgment given by Default as aforesaid, in the Seizure of the Liberties in the said Letters Patents mentioned, by virtue of the said Judgment.

### Lights.

I. *Stat. 9. Gul. 3. Sess. 1. Cap. Priv.* The Lord-Mayor, Sheriffs, Commons, and Citizens of the City of *Dublin*, and their Successors, Impowred, from time to time, during the space of 21 Years, herein after mentioned, and from thence to the end of the next Session of Parliament, to cause publick Lights to be Erected and Maintained in the said City and the Liberties thereof.

II. The like Power given to *Narcissus Lord Arch-Bishop of Dublin*, to cause Lights to be Erected and Maintained in the Liberty of St. *Sepulchers*, during the said Term.

III. And in like manner, the Right Honourable *Edward Earl of Meath*, now Lord of the Liberties of St. *Thomas Court* and *Donore*, and the Lords of the said Liberties for the time being, shall from time to time, during the Term aforesaid, have Power to cause publick Lights, to be Erected and Maintained, within the said Liberties; And that for all the said Places, both in the said City and Liberties: Such Lights shall be Set up in manner following.

IV. That is to say, Either with such Glass Lanthorns with Lamps, as are now used for publick Lights, between *White-ball* and *Kensington* in *England*, or otherwise, with a sort of Triangle Lanthorns with Lamps, about the same Size with the others, to be Set so, as that no Lamps shall be at a greater Distance than 22 Yards from any one House in all Streets, considerable Lanes, and other broad Places; and that the Lamps, in all such Places, be Set Transversly on both sides of all such Streets, &c. And that in narrow By-Lanes and Alleys, no Lamps shall be at greater Distance than 33 Yards from any one House, and that the Lamps be placed Transversly in all such Places, and that the Old-Bridge, *Ormonde's-Bridge* and *Essex-Bridge*, be also sufficiently Inlightned, and that the Lanthorns be fixed 9 Foot high, or thereabout, either on Posts to be Erected for that purpose or upon Irons, or some apt and convenient Matter or Thing, to be Fixed to the Houses: And the Glass of the said Lanthorns to be always Clear White or French Glass, and that no Convex Glasses be used about the same.

V. The said Lanthorns to be sufficiently maintained with good and sufficient Lights that shall continue Burning every dark Night yearly, between *Michaelmas* and *Lady-Day* to begin

## Lights.

gin about Candle-Lighting, or 5 of the Clock in the Afternoon, and to continue Burning until 12 at Night, or during so much time thereof as shall not be Enlightned by the Moon: And the said Lanthorns to be Cleansed and Lamps Snuffed as often as there shall be occasion.

VI. The said Lord Mayor, Sheriffs, &c. and the Arch-Bishop of Dublin, and Earl of Meath, shall have respectively, for the space of 21 Years, from the 6th Day of November, 1697. full Power at all times hereafter, to cause such publick Lights to be Erected as aforesaid, and to be Fixed to any House or Houses or any part thereof, or to be Set upon Posts or otherwise, within the said respective Jurisdictions, as to them, their Deputies or Assigns, shall seem most convenient: And to maintain such Lights there, or Alter, Remove or Change the same, so as thereby no Dammage be done to any House or Houses, or part or parts thereof, or to the Pavements, other than what shall be Re-paired and made good immediately, by the persons so doing the same.

VII. And for bearing the Charges of the said Lanthorns, &c. there shall be paid during the Continuance of this Act, as follows, viz. The respective Inhabitants of the Streets, considerable Lanes, and other broad Places as aforesaid, where the furthest Distance, &c. shall not exceed 22 Yards, for every house 3 shillings Sterling yearly, at 2 equal Payments, at Christmas and Lady-Day, for all such time as the said Houses shall be Inhabited.

VIII. And the narrow Lanes, where the Distance, &c. shall not exceed 33 Yards, to pay 2 shillings Sterling, for every House yearly, while Inhabited as aforesaid, by such Proportions and at such Days of Payment as aforesaid; and that in every Lane or Alley, though not of the length of 33 Yards, there shall be Erected one such Lamp or Light at least.

IX. If any Inhabitant refuse or neglect to pay according to the Rates aforesaid, for any House Inhabited and Enlightned as aforesaid, (the same being lawfully demanded) then the said Lord Mayor, Sheriffs, &c. and their Successors, and the respective Lords of the Liberties aforesaid, and their respective Seneschals for the time being, during the space of 18 Years to commence the 29th Day of September, 1698. by such Person herein after Named, his Executors, Administrators or Assigns, who shall by this Act be Appointed, by Consent of, and under the said Mayor, &c. and the respective Lords of the aforesaid Liberties, to Erect and Maintain the Lanthorns and publick Lights, by him or themselves, or his or their Servants or Bailiffs: And after the Expiration of the said 18 Years, during the continuance of this Act, by the respective Bailiffs and Servants of the said Lord Mayor, &c. and of the said Lords of the said Liberties respectively, or their respective Bailiffs or Servants, and at any time or times after the space of 10 Days

or

or more after such Demand, to Distain the Goods of such person or persons so Refusing or Neglecting to pay the same that shall or can be found within the said City and the Liberties thereof, or the said respective Liberties of St. Sepulchers or St. Thomas Court and Donore, for the same; and to Levy such Rates or respective Sums, by Sale of such Goods so Distained, Returning to the Owner the Overplus (if any shall be) after what is really due and reasonable Charges for Distaining be Deducted.

X. No Waste House or the Owner thereof shall be lyable to pay any thing towards the said Lights, for the time it shall continue Waste.

XI. No Inhabitants of the said City or several Liberties, shall be Charged with any payment towards maintaining of such Lanthorns and Lights, unless the same shall be Erected and Kept at the Distances aforesaid, and maintained for the Inlightning of their respective Habitations, according to the true meaning of this Act.

XII. *Michael Cole* of the City of Dublin, Merchant, having Invented and Found out a Way to Supply the said Lanthorns and Lamps, and to maintain the said Lights with Tallow, and other Ingredients of that kind, instead of Oyl; and having been at great Charges in Perfecting the said Invention, and undertaking to Set up, Furnish and Fix such Lanthorns, Lamps and Lights as aforesaid, and to maintain the same Burning as they ought to be, at his own proper Cost and Charges, for the space of 18 years, to Commence the 29th day of September, 1698. and at the end thereof, to give and deliver up the said Lanthorns and Lamps to the said Lord Mayor, &c. and to the Lords of the said Liberties for the time being, which it is hereby Enacted, he, his Executors, &c. shall do and perform, and discover the whole Art in the use of the same; and the said Lord Mayor, &c. and Lords of the said Liberties, having, upon the Considerations aforesaid, respectively appointed him their Deputy to put this Act in Execution, &c.

XIII. It's therefore Enacted, that the said *Michael Cole*, his Executors, Administrators and Assigns, and his and their Deputies (by Consent and Appointment as aforesaid) and no other, during the said Term of 18 years as aforesaid, shall have Power and Liberty to Erect and Fix, or Set up such Lanthorns and Lamps as aforesaid, in the said City and several Liberties, and to maintain Lights in the same: And shall have full Power and lawful Authority, to Collect, Distain and Receive to his and their own Use, during the time aforesaid, all such Sums of Money whatsoever, as are payable for Erecting and Maintaining such Lights, and in Case of non-payment, by the space of 10 days after Demand as aforesaid, then to Distain for such Assessment or Rates, upon any Inhabitant that

## Lights. Limerick.

that shall Refuse or Neglect to pay the same, and to make Sale of such Distress or Distresses, Deducting thereout what is really due, and reasonable Charges for Distrainting, Returning the overplus to the Owner. And in Case the said *Michael Cole*, his Executors, Administrators or Assigns, shall be negligent in performing their duties, in not Erecting and Fixing of Lanthorns and Lamps, at all convenient Places within the said City and Liberties aforesaid, or in not Maintaining the Lights and Snuffing them, and Cleaning the Glass of the Lanthorns as they ought to be then after the said 29<sup>th</sup> day of September, 1698. being thereof Convicted by the Judgment of any one Justice of the Peace of the City or County, where the Offence shall arise, by the Oaths of Two sufficient Witnesses at the least, (which the Justice is Authorized to Administer) to Forfeit, for every such Default or Neglect, the Sum of 2 shillings & pence Sterling, one moyety thereof to the Poor of the Parish where the said Fault or Neglect shall happen, and the other moyety to him or them that shall think fit to Prosecute before the Justice for the same ; to be Levyed by Distress, upon the Goods and Chattels of him, the said *Michael Cole*, his Executors, Administrators or Assigns, by Warrant or Warrants, under the Hand and Seal of the said Justice, directed to the Constable of the Parish where the said *Michael Cole*, his Executors, Administrators, or Assigns shall Live.

XIV. If any Sute shall be Commenced against any, for doing or causing to be done any thing in pursuance of this Act, the Defendant may Plead the General Issue, and give the special Matter in Evidence ; and if the Verdict be given for the Defendant, or the Plaintiff become Non-Sute, or discontinue his Action, the Defendant shall have double Costs.

XV. Upon any Replevin or Replevins that shall be Brought or Prosecuted by any, for any Goods or Chattels that shall hereafter be Distrainted or taken in Distress, by the said *Michael Cole*, his Executors, Administrators or Assigns, within the said City or Liberties thereof for not making Payment for maintaining the said Lights therein ; the whole Matter in dispute, upon such Prosecution arising, shall be Heard Finally, and Summarily Determined by and before the Lord Mayor of the City of *Dublin* for the time being, and not elsewhere : And as to Matters in Dispute upon such Prosecution, Arising within the respective Liberties of *St. Sepulchers*, and *St. Thomas Court* and *Donore*, the same shall be Heard Finally, and Summarily Determined before the respective Seneschals of the said Liberties for the time being, and not elsewhere.

### Limerick.

I. Stat. 9. Gul. 3. Sej. 1. Cap. 27. Enacted that the Second Article made at the Treaty for the Surrender of the City of *Limerick*, the 3d day of *October*, 1691. be Confirmed and Ratified

Red in the Sense following, and no otherwise, (that is to say) That all the Inhabitants and Residents of *Limerick* or any other Garrison in the Possession of the Irish, at the time of making the said Articles, and all Officers and Soldiers then in Arms (under any Commission of the late King *James*, or those Authorized by him to Grant the same) in the several Counties of *Limerick*, *Clare*, *Kerry*, *Cork* and *Mayo* and all the Commissioned Officers in the King's Quarters, that belonged to the Irish Regiments then in Being, that were Treated with, and who were not Prisoners of War, nor had, at any time before that time, Enjoyed the Benefit of Protections for the Safety of themselves or their Goods and Families, which said Officers have, in pursuance of the said Articles, Returned to their Obedience, and Submitted to the King and Her late Majesty Queen *Mary*: Such Inhabitants and Residents of *Limerick*, or any other Garrison as aforesaid, and their and every of their Heirs, shall Hold Possess and Enjoy all and every their Estates of Free-hold and Inheritance, and all the Rights, &c. thereunto belonging, which they and every or any of them, Held, Enjoyed or were Rightfully and Lawfully Intituled to, in the Reign of King *Charles* the Second or at any time since by the Laws and Statutes that were in Force in this Realm; and such Possession as was given to the said Inhabitants, Officers and Soldiers (in whose behalf the said Articles were, as aforesaid made) of Lands then in the King's Hands or in the Hands of his Tennants, by Order of the Government under Him, is (as to the Possession only and no more) Confirmed and Ratified by the Authority of this Act, against the King, His Heirs and Successors: And all such Estates of Inheritance and Free-hold, shall be Freed and Discharged of and from all Arrearages of Crown-Rents, Quit-Rents, and other publick Charges, Incurred or become due after the Feast day of St. *Michael* the Arch-Angel, 1688. to the day of the said Articles.

II. This Act shall not extend to a Grant of any New Right to the aforesaid persons, in whose behalf the said Articles were made, or any of them, but to the Restoring them to their Estates, in as large and ample manner, as they should have Enjoyed the same, had they not been Guilty of the Rebellion aforesaid, and not otherwise. Neither should this Act extend to Alter or avoid the Possession of any such Lands, Tenements or Hereditaments, as have been Recovered or Gained by any other of the King's Subjects, from or against the said persons in whose behalf the said Articles were made, or any of them at any time since the said Articles.

III. And all persons Comprehended in the said Second Article, in the said Articles mentioned, shall have and enjoy all their Goods and Chattels, Real and Personal, to them at that time belonging, and which then or at that time remained, either

## Limerick.

either in their own Hands, or in the Hands of any other in Trust for them or for their use ; and the same shall Hold and Enjoy against the King, His Heirs and Successors. And as concerning all other their Goods, &c. at any time before the Date of the said Articles, which said Goods, &c. had been at any time since the 10th of April, 1689. and before the Date of the said Articles, by any manner of way seised and taken to the use of the King and Her late Majesty the Queen, by any Officer, Civil or Military, their Ministers or Servants, or any other person or persons whatsoever ; and all other their Goods and Chattels, which were not in their own Possession, or in the Possession of any other in Trust as aforesaid, at the day of the making the said Articles, the same by Authority of this Act shall be Vest'd in the actual and real Possession of the King, without any Office or Inquisition thereof hereafter to be found or taken.

IV. The Right of all others (other than the said persons in whose behalf the said Articles were made, and their Executors, Administrators and Assigns) Claiming any thing in the said Goods, &c. or any part thereof, as Executors, Administrators or Assigns of them ; and all other persons Claiming or having any thing in the said Goods, &c. as Seized to the Use of the King as aforesaid, to the Use of the said persons, or to the Use of any of their Executors, Administrators or Assigns, in and to the Premisses, is saved by the Act.

V. This Act shall not extend to avoid any Grant or Grants, at any time heretofore made by the King and the late Queen, or by the King, of any Goods, &c. (Vest'd in Him as aforesaid) but that the same shall be and remain in such Force and Effect, as if this Act had not been made.

VI. Nor shall any be Construed to be Restored within the meaning of the said Articles or of this Act, who at the time of their hearing their respective Claims to the Benefit of the said Articles, shall Neglect or Refuse to take the Oaths of Fidelity to the King, mentioned in the said Articles, nor to Restore such, who at the time of making the said Articles, was or were out of the Kingdom of Ireland.

VII. Except such persons as are Comprized in the Fourth Article, of the said Articles made for the late Surrender of Limerick, which said persons shall have the Benefit of the Second Article, in such manner and form, as in and by this Act is, as aforesaid, Declared, and no otherwise.

VIII. Provided those persons did Return hither within the space of 8 months from the Date of the said Articles, and have within that time, Submitted to the Government of the King and Her late Majesty the Queen, as also within that time, taken the Oath of Allegiance to the King and Her late Majesty the Queen.

IX. All

IX. All Merchants and Reputed Merchants, Inhabitants of the Town of Limerick, or of any other Garrison, which at the time of making the said Articles, was possessed by the Irish, or of any Town or Place in the Counties of Clare or Kerry, who were Absent beyond the Seas, and that have not been in Arms since the Declaration, made by the King and Her late Majesty Queen Mary, in February, 1688. shall have the Benefit of the Second Article, in manner and form afore-declared, in as large and ample manner as if they had been present at the making of the said Articles.

X. Provided such Merchants or Reputed Merchants, did Repair into this Kingdom, within the space of 8 Months from the Date of the said Articles, and Submitted to the King's and Her late Majesty's Government.

XI. All persons already Adjudged, or that shall hereafter be Adjudged to have been Comprized within the Second and Third Articles of the aforesaid Articles of Limerick, shall from henceforth be deemed and taken to be, as to any Prosecution in the Name and Behalf of the King and of Her late Majesty, or in the Name and Behalf of the King, His Heirs and Successors fully and absolutely Pardoned by Authority of this Act, of all Attainders or Out-lawries in this Kingdom had or done, for all Treasons, Misprisions of Treasons, Premunires, Felonies, Trespasses and other Crimes or Misdemeanors whatsoever; by them or any of them Committed or done since the beginning of the Reign of the late King James, to the Third day of October, 1691.

XII. From and after the Expiration of Two years, to be Compleated from the First day of September, 1697. No person or persons whatsoever, shall be Adjudged or taken to be Intituled to, or to have the Benefit of the said Articles, who shall not be Adjudged within that time to be Comprehended therein,

XIII. The said Rebellion of War is hereby Declared to have begun upon the 10th day of April, 1689. the same being the day Limited to the said Rebels and Traytors by the King and Her late Majesties Declaration, in February, 1688. for the laying down of their Arms, and Accepting of Their Majesties Grace and Mercy, on the Terms in the said Declaration proposed.

XIV. No persons whatsoever Adjudged, or which hereafter shall be Adjudged to be Comprehended in the foregoing Articles, shall be Sued, Molested or Impleaded at the Sute of any party or parties whatsoever, for any Trespasses by them committed or done any time since the said 10th day of April, and before the date of the said Articles, for any Arms, Horses, Money, Goods, Chattels, Merchandizes or Provisions whatsoever, by them Seised or Taken at any time after the said 10th day of April, and before the said Date of the said Articles. And no person or persons whatsoever in the Second and Third Ar,

# Limitation.

title comprised, shall be Sued, Impleaded, or made Accomptable for the Rents or Mesne Rates of any Lands, Tenements or Houses, by him or them Received or Enjoyed in this Kingdom, since the 10th day of *April*, 1689. to the day of the Date of the said Articles, nor for any Waste or Trespasses committed in any Lands, &c. during that time.

XV. Its made lawful for any who have had any Wrongs, Injuries and Trespasses committed upon them by any of the persons aforesaid, since the 5th day of *November*, 1688. and before the 10th day of *April*, 1689. to commence their Actions against them for such Wrong, at any time within the space of One Year to be Accompted from the said First day of *September*, 1697. and at no other time or times after the Expiration of the said Year.

## Limitation.

*32. H. 8.* I. *Stat.* 10. *Car.* 1. *Seff.* 2. *Cap.* 6. None shall maintain any *Cap. 2. En.* Writ of *Right*, or make any Claim to any Mannors, Lands, *Ve. Co. Lit.* &c. of the Possession of their Ancestors or Predecessors, and *fo. 115. a.* Alledge any further Seizin or Possession, but within 60 years *2. Inst. f.* before the Teste of the same Writ; next before the said Claim *95. 4. Rep.* to be commenced.

*fo. 10, 11. Bro. Limitat.* 2. & *Gar.* 81. *Boulstr.* 1. *Rep. fo. 162.* 1. *Roll. fol.* 151. *Styles Rep. fol.* 100.

*Ve. Dyer's* II. In *Affize of Mortdancaster*, Writ of *Couzenage*, *Ayel*, or *Rep. fo.* of Entry *Sur disseizin*, done to a Man's Ancestors or Predece-  
*330. pl.* sors, or any other Action Possessory upon the Possession of his Ancestor or Predecessor, it shall be within 50 years next before the Teste of the Original of any such Writ.

*Ve. Co. 4.* III. In a Writ upon the Parties own Seizin or Possession, it *Rep. fo. 11.* shall be within 20 years next before the Teste of the Original.

*b. 12. a.* *Tel. Rep. fol.* 211. *Hetley's Rep. fo. 28. 44.*

*Ve. Mo.* IV. In Avowry or Cognizance for Rent, Sute or Services of *Rep. fo. 31* the Seizin of a Man's Ancestor or Predecessor, or of his own, *pl. 102. Co.* or of any other whose Estate he pretends to Claim, it shall be *4. Rep. fo.* within 40 years, next before the making of such Avowry or *10. a. b. 8.* Cognizance.

*Rep. fo. 65. 10. Rep. fo. 108. Cro. Car. small print. fo. 57, 58. 155. 1. Roll. f. 50.*

*Ve. Bro.* V. *Formedons* in Discender. Remainder or Reverter, and *Avowry* *Scire Facias* upon Fixes or Recoveries, shall be brought within *107. Dyer,* 20 years next after the cause of Action first Accrewed. *fol. 278.* 291. 315. 330.

*Ve. Mo.* VI. The party Demandant, Plaintiff or Avowant, that (upon *Rep. fo. 44.* Traverse or Denier of the other party) cannot prove actual Possession and Seizin in him or his Ancestors within the *1. l. 135.* times

times above Limitted; every such person and their Heirs, shall *Bro. Lim<sup>i</sup>* be for ever barred of all and every the said Writs, Actions, *tat. 2. Pe-* Avowries, &c. at any time afterwards to be Sued. *remptory*  
78. *Dyer, fo. 278. 291. 330. Co. 4. Rep. fo. 10.*

VII. Provided that Infants, *Feme Coverts, non compos M<sup>e</sup>ntis*, or in Prison, or out of this Realm, having cause to bring any of the said Writs or Actions, or to make any Avowries, &c. may at any time within 6 years after their respective Impediments removed, Alledged the Seizin of their Ancestors or Predecessors, or of their own Possession, or the Possession of those whose Estate they shall then Claim: And also within the same 6 years shall have all and every like Advantages to all Intents, as they might have had before the making of this Act.

VIII. If it shall happen that any such persons (as above-named) shall dye before their respective Impediments be removed, *Ve. Cro. Car. fo.* or within 6 years after, and no Determination or Judgment *178. 243.* had of any such Titles or Rights so to them Accrewed; then *smallprint, Siderfins* the next Heir or Heirs of such persons shall have all such advantage to Sue, &c. or make the said Titles, Claims, &c. within *Rep. fo.* 6 years next after their Death, in like manner to all Intents, *228.* as the same persons (after their respective Impediments removed) should or might have had within 6 years then next ensuing.

IX. If any False Verdict shall happen to be given in any of the said Actions, Sutes, Avowries, &c. the party grieved may have an Attaint upon every such Verdict, and the Plaintiff in the same Attaint upon Judgment for him given, shall have his Recovery and Execution, and other Advantage in like manner as heretofore has been used.

X. None shall make any Entry into any Lands, Tenements *21. Fac. 1.* or Hereditaments, but within 20 years next after their Right *Cap. 16.* or Title, which shall first Descend or Accrew to the same; and *Engl. Ve.* in Default thereof, they and their Heirs shall be utterly de- *Hetleyes* barred from such Entry afterwards to be made. *Rep. fo.*

*127. Cro. Car. small print, fo. 117. March, Rep. pa. 87. 141.*

XI. The Titles of any Infant, *Feme Covert, non Compos Men-* *Ve. Cro.* tis, Imprisoned or beyond the Seas, are Saved; so as such persons or their Heirs shall within 10 years (next after their said *Car. ubi su- prae, Styles,* Impediments removed) take Benefit of the same, and at no *Rep. fo.* time after the said 10 years. *102. 214.*

*234. March Rep. p. 155.*

XII. All Actions upon the Cese (other than for Slander) *Hatleys,* Actions for Accompt (other than such Accompts as concern *Rep. fo.* the Trade of Merchandise between Merchant and Merchant, *140. L<sup>t.</sup>* and their Factors and Servants) Actions for Trespass, Debt, *Rep. fo.* Detinue and Replevin for Goods and Chattels, and Actions for *342. Cro.* Trespass *Quare clausum fregit*, shall be commenced within 3 *Car. 115.* years

## 180 Limitation. Linnen Manufacture.

141. 160. years next after the end of this present Parliament, or within  
245. 295. 6 years after the cause of such Actions and not after.  
333. 381. 405. 513. March Rep. pa. 135. Siderfus. Rep. fo. 228. pl. 24. 306.  
pl. 95. 415. pl. 81. &c 465.

XIII. All Actions of Trespass of Assault, Battery, Wounding, Imprisonment, or any of them shall be commenced within one year next after the end of this Parliament, or Within 4 years next after the cause of such Actions and not after.

XIV. All Actions upon the Case for Words. shall be commenced within one year next after the end of this present Parliament, or within 2 years next after the Words spoken, and not after.

XV. Provided that if in any such Actions, Judgment be given for the Plaintiff, and the same be Reversed by Error, or a Verdict pass for the Plaintiff; and upon Motion and Matter Alledged in Arrest of Judgment, it be given against the Plaintiff, so that he takes nothing by his Suit: or if any the said Actions be brought by Original, and the Defendant therein be Outlawed, and shall after Reverse the Outlavery, in all such Cases the Plaintiff his Heirs, Executors or Administrators (as the Case shall require) may commence a new Action within a year after such Judgment Reversed, or such Judgment given against the Plaintiff, or Outlavery Reversed, and not after.

V. Siderf. XVI. The right of Action in the Cases aforesaid, is Saved to Rep. fo. an Infant *femines covert, non compos Mentis*, Imprisoned or before 453. pl. 21. yond the Seas, so as they commence their Sutes within such times as are before Limited (after their respective Imperfections removed) as other persons having no such Impediment should have done.

1. M. Parl. XVII. Provided that this Act shall not Extend to any Writ i. Seff. 2. of Right of *Advowson quare Impedit*, or Asize of *Darren Pre-Cap. 5. En. sentment*, nor *Jure Patronatus*, nor to any Writ of Right of V. Ero. Ward, Writ of Ravishment of Ward, or for the Wardship of Gard. 122. the Bedy.

XVIII. Neither shall this Act Extend to any Castles, Manors, Lands, Tenements, Hereditaments, Tythes, Pensions, Portions, Obventions, Oblations, or any Annual, Casual or Hereditary Profits, or other Rights or Possessions whatsoever, of any Arch-Bishopricks, Bishopricks, Deanry, Arch-deaconry, Prebend, Parsonage, Vicarage, or any other Ecclesiastical or Spiritual Living, or as belonging thereunto, claimed by any Ecclesiastical or Spiritual persons; but that they and their Successors may have such Writs and Sutes for the same, and make such Entries thereunto, as they might have done before the making of this Act.

### Linnen Manufacture.

I. Stat. 17. & 18. Car. 2. Seff. 5. Cap. 9. None having any Estate or Interest in any Lands in this Kingdom, shall after the First of May, 1666. Sett or Lett to any person or persons, any

any Cottage or Cabbin upon any Lands (not being within any City or Suburbs thereof, or any Walled Town in this Kingdom) unless the Lesses thereof, therewith hold One Acre of Land at least, of Plantation Measure, containing 21 Foot to the Perch; and shall after the First day of February, 1666. yearly Sow one Eighth part of such Acre of Land, with Hemp or Flax, upon pain that every Land-lord Setting or Letting any such Cottage or Cabbin without such Covenancing with his Tenant, shall Forfeit 40 shillings Sterl. for every such Default; and every Tenant to shillings Sterl. (who shall not Sow one Eighth part of such Acre of Land with Hemp or Flax yearly) for every such Default.

II. And all persons who after the said First day of February, 1666. shall Plow any quantity of Land in this Kingdom, shall for every 30 Acres of the Measure aforesaid, which they shall so Plow, Sow or cause to be Sowed, half an Acre of Land of like Measure with Flax or Hemp, and so proportionably for a greater or lesser quantity of Land, upon pain to Forfeit 5 pounds Sterl. yearly for every such Default. And upon Pain that every person who shall after the day aforesaid, Plow any less quantity of Land of the Measure aforesaid, and shall not Sow Hemp or Flax according to the aforesaid proportion, shall Forfeit 3 pounds Sterl. for every such Default.

III. After the 24<sup>th</sup> of June, 1666. no Linnen Cloth shall be Woven in this Kingdom, which shall not be at least Three quarters of a Yard broad out of the Loom; and after the First day of February, 1666. no Linnen Cloth under the aforesaid breadth, shall be Bought, Sold or exposed to Sale, in any place within this Kingdom; and every person in this Kingdom (who after the respective times aforesaid) shall Weave, Buy or Sell, or Expose to Sale any Linnen Cloth under the aforesaid breadth, shall Forfeit for every such piece of Cloth, the Sum of 20 shillings.

IV. A Clause, that at every Lent Assizes yearly, held in every County within this Kingdom, for the space of 20 years, from the time of passing this Act, the Sum of 20 pounds Sterl. should be by the Grand-Jury of every County Appointed upon the several Baronies therein, for the Encouragement of the Linnen Manufacture, and to be Distributed at every Summer Assizes in every County, and the Sessions held yearly after Trinity Term in Dublin, to such persons as did bring in and produce Three of the finest pieces of Linnen Cloth, of the Growth, Spinning, Weaving and Bleaching of the County where they were respectively produced, each piece to contain 30 Ells at the least in length, and One Yard at the least in breadth out of the Loom, to him who had the best and finest of these Three pieces, 10 pounds Sterl. to be paid in open Court; to him who had the next in fineness, 6 pounds Sterl. and to him who produced the Worst of the Three pieces, 4 pounds Sterl.

## Linnen Manufacture.

*Sterl.* This Clause being a great Encouragement, to the Linnen Manufacture, I have therefore Abridged it, tho' it be long since Expired.

V. Enacted, that the Sum of 6000 pounds be Raised and Levyed throughout the several Cities, Towns and Countries of this Kingdom, to be Taxed and Levyed in such manner and after such proportions, and to be Paid by such Persons, Ways and Means, and at such times, as both Houses of Parliament then Assembled in this Kingdom, should agree upon and appoint: And in Case of Dissolution before such Appointment made, then it's made lawful for the Lord Lieutenant, &c. and Council, to cause the said 6000 pounds to be Raised and Levyed throughout this Kingdom, in such manner as the said Lord Lieutenant, &c. and Council think fit, and to be Levyed by way of Distress; and to the end and purpose that with the said Monies so Raised, a Bleaching-yard may be Purchased, containing about 4 Acres of Land, of 21 Foot to the Perch, in some commodious place, in each of the Four Provinces of this Kingdom; and a Stone or Brick Wall of convenient height to be Erected about the same, and some River in several Streams, made to have it's course through each Bleaching-yard; and Tenements Erected therein, to receive and contain such Poor People, or Idle Vagrant Persons and Beggars, as shall come or be sent thither to Work, by the Justices of the Peace of the said several Provinces (who are Authorized to send such thither) although the said Bleaching-yard be not in the County where they are Justices of the Peace; and that a convenient number of Calendars may there have House room and Employment.

VI. and the said Lord Lieutenant, &c. to Employ persons skillful in Bleaching and Calendring, who shall Bleach all Linnen Cloth that shall be brought, at such Rates (not exceeding one Penny for each Ell) as shall be by them appointed and set down, and secure and stand to the hazard of all Linnen that shall be there brought to them; and shall there give Entertainment to a competent Number of Weavers, that they may bring up Poor Children there in Weaving, and other Employments relating to the Linnen Trade; and compel the sturdy Vagrants (sent thither to Work) as to them the said Weavers shall seem meet.

VII. And it's made lawful for the Lord Lieutenant, &c. and Council, to proceed in all Matters aforesaid, by such ways; and to Employ therein such Persons, and to Grant to them such Commissions and Instructions, as to them shall seem most expedient for receiving the 6000 Pounds; and for the Purchasing, Building and Preparing and Ordering of the said Bleaching-yards, and such other Things as may most conduce to the better carrying on the said Work.

VIII. A Clause for Weavers in this Kingdom using no other Trade, to be (for the space of 7 years from the Passing of this Act) freed from Serving on any Juries, or bearing any other Offices in this Kingdom, which they themselves should not be willing to undergo.

IX. All Fines, Penalties and Forfeitures aforesaid, to be one Moyety to the use of the King, His Heirs and Successors, and the other Moyety to the Informer, and no Protection, &c. to be Allowed; and the Judges of Assize, Justices of the Peace at their Sessions; and every Officer and Officers within Cities and Corporate Towns having Authority, shall and may lawfully Enquire, Hear and Determine all and singular the Premisses Fineable as aforesaid,

### Lord's-Day.

I. Stat. 2. El. Cap. 1. All persons shall Refort to their Parish Church or Chappel, or (upon reasonable Lett) to some usual place where Common prayer and such Service of God shall be used, upon every Sunday and Holy-day, and there abide Orderly and Soberly during the time of Common prayer and Preaching, or other Service of God, in pain to be Punished by Censures of the Church; and also upon pain of 12 pence, every person so Offending every time, to be Levyed by the Church-wardens of the Parish where the Offence is committed, of the Goods, Lands and Tenements of the Offender by way of Distress, to the use of the Parish there.

II. Stat. 7. Gul. 3. Sess. 1. Cap. 17. All persons shall on every Lord's Day, Exercise themselves in Duties of Piety, Publickly and Privately; and none shall Exercise any worldly Labour, &c. of their ordinary Callings upon the Lord's Day (works of Necessity and Charity only Excepted) and all persons of the Age of 14 years or upwards, Offending in the Premisses, shall Forfeit 5 Shillings for every Offence. And none shall publickly Cry, Shew forth, or Expose to Sale any Wares, Merchandizes, Fruit, Herbs, Goods, or Chattles whatsoever upon the Lord's Day, on pain to Forfeit the same Wares, &c.

III. No Drover, Horse Courier, Waggoner, Butcher, Higler or their Servants, shall Travel or come into their Inn or Lodging upon the Lord's Day, or any part thereof, upon pain to Forfeit 20 Shillings for every such Offence.

IV. None shall Exercise any Hurling, Commoning, Foot-ball playing, Cudgels, Wrestling, or any other Games, Pastimes or Sports on the Lords Day, upon pain (being Convicted in such manner as herein after Directed) to Forfeit 12 Pence Sterl. for every such Offence, to be immediately paid to such Justice of the Peace, Officer or Officers, before whom such Conviction shall be. And if any Offender against this Act, shall be Convicted before any Justice of the Peace of the County, or of the Chief

Ve. Co. 11.  
Rep. fo. 56.

2. Roll, fo.  
89. 438.

455. God-  
bol. Rep. pa.  
148. pl

191.  
March,  
Rep. pa.

93.

29. Car. 2.  
Cap. 7.  
Engl.

3. Car. 1.  
Cap. 1.  
Engl.

1. Car. 1.  
Cap. 1.  
Engl.

Chief Officer or Officers, or any Justice of the Peace of, or within any City, &c. where the Offence shall be Committed, upon his or their View, or Confession of the Party, or Proof of any one or more Witness or Witnesses by Oath (which they may Administer) the said Justice, &c. shall give Warrant under his or their Hands and Seals, to the Constable or Churchwardens of the Parish or Parishes where such Offence shall be Committed, to Seize the said Goods Cryed, &c. as aforesaid, and to Sell the same, and to Levy the said other Forfeitures and Penalties by Distress and Sale of the Offenders Goods, rendering the Over-plus; and in Default of Distress or Insufficiency, to pay, the Offender to be set publickly in the Stocks, by the space of Two hours; and all the Forfeitures or Penalties aforesaid, to be Employed to the use of the Poor, where the Offences shall be Committed; save only that any Justice, Mayor, &c. out of the said Forfeitures or Penalties, may Reward the Informer according to their Discretions; so that such Reward exceed not a Third part thereof.

**29. Car. 2.** V. This Act shall not prohibit dressing of Meat in Families, or Dressing or Selling Meat in Inns, Cooks-shops or Victualling-houses, for such as otherwise cannot be provided; nor the Crying or Selling Milk or Fish, before 10 of the Clock in the Morning, or after 4 of the Clock in the Afternoon; nor to the Using of Hackney Coaches in or about the City of Dublin.

VI. Prosecutions for any Offence mentioned in this Act, must be within 10 Days after the Offence committed.

VII. If any person Travelling on the Lord's Day be Robbed, the Hundred shall not be Charged, but the Inhabitants after notice of such Robbery, or Hue and Cry for the same, shall make pursuit according to the Statute of the 10 Car. 1. (Sess. 4. Cap. 13.) on pain to Forfeit to the King as much Money as might have been Recovered against the Hundred or Barony, if this Law had not been made.

VIII. None shall Serve or Execute (upon the Lord's Day) any Writ, Process, Warrant, Order, Judgment, or Decree, (Except in Cases of Treason, Felony or Breach of the Peace) but that such Services shall be void; and the persons Serving the same to Answer Damages, as if they had done the same without Warrant.

IX. No Keeper of any Tavern, Ale-house or publick Victualling-house, shall Receive, Entertain or Permit to remain in his House, any Persons during the time of Divine Service (Except those of their own Family or Lodgers in the said House) or Furnish them with Wine, Ale, Beer, or other Liquor of any Sort, in pain of 10 shillings for every such Offence, to be paid by them; and 5 shillings, to be Forfeited by every such person who shall Enter and Remain there.

X. Constables and Churchwardens of Parishes, within the several Cities and Towns Corporate of this Realm, are frequently

gently (and as often as they have reasonable Cause so to do) to Enter into all Taverns, Ale-houses and Victualling-houses, within their Parishes or Districts, where they shall reasonably suspect any persons to be and remain contrary to the Intent and Meaning of this Act, and to Apprehend them, and also the Master or Keeper of such House, where such Offenders shall be Apprehended, and to carry them before the next, or some other Justice of the Peace near the place, who are Impowered to Examine Witnesses upon Oath touching the Breach of this Law; and after Examination, to proceed to a Conviction or Acquittal of the persons Accused, which shall be final to all parties: And upon Conviction of the Offenders by such Justice of the Peace, they are forthwith to Demand the Penalties Imposed by this Act, and to receive the same, and in Default of payment to commit the Offender to the Goal of the said County, till he have made payment of the same; which being paid and received, shall be applyed to the use of the Poor of the respective Parishes, where the Offences shall be committed.

XI. This Act shall not extend to persons who have been in any Inns before the Lord's Day (commonly called Sunday) and intend to Abide there on Sunday; but that they may continue and remain there as if this Act had never been made.

XII. This Act to Commence and take Effect on the First day of November, 1695, and not before.

### Maintenance,

I. **T A T.** 10. Car. 1. Sess. 3. Cap. 15. All Statutes 32. H. 8.  
 heretofore made in England, concerning Maintenance, Champerty and Embracery, or any of them now being in force, shall be put in due Execution in this Realm of Ireland.

175. Cap. 77. 1. Roll. fo. 447. Savil's Rep. fo. 42.

II. None shall Bargain, Buy or Sell, or by any means obtain any pretended Rights or Titles of any; in or to any Mannors; Lands, &c. unless the Sellers, their Ancestors or they, by whom they Claim the same, have been in Possession thereof, or of the Reversion or Remainder thereof; and have taken Rents and Profits of the same by the space of one whole year next before such Bargain, upon pain that both the Seller and Buyer, contrary to the form of this Statute (knowing the same) shall each of them Forfeit the value of the same Lands, &c. one Moyety of the Forfeitures to be to the King, and the other to the party that will Sue for the same, in any of the King's Courts of Record, by Action of Debt, Bill, &c. wherein no Eſſoyn, &c. shall be allowed.

fo. 77. 80. 87. 89. Dyer fo. 77. b. 374. Co. 4. Rep. fo. 26. a. Cro. El. fo. 155. 257. Cro. Car. fo. 43. pl. 23. Hob. Rep. fo. 115. 116. Godbolds. Rep. pa. 450. Herleys Rep. fo. 164. Goldsb. Rep. pa. 101. pl. 6. Leon. Rep. 1. part. fo. 160. pl. 20. 2. part. fo. 39. pl. 48. 3. part. fo. 79. pl. 233. Co. pl. fo. 255. 364. 4. Rep. 45. a. & 9. Rep. 56. b. Plo. 465. a. 78. b. 79. a. 80. a. 83. a. b. 87. a. b. 88. a. b. 89. a. Co. 2. Inst. fo. 563. F. N. B. 172.

A a

III.

*Ve. Mo.* III. None shall unlawfully Maintain, or Cause or Procure  
*Rep. 6. pl.* any unlawful Maintenance, in any Sute, or Complaint in any  
*20. Cro. El.* of the King's Courts of Chancery, Castle Chamber, or else-  
*fo. 735.* where, within this Realm, where any have Power to hold Plea  
*pl. 3. 26. H.* of Lands, or any Matter of Witnesses concerning the Title  
*6. fo. 5. 28.* thereof. Nor shall unlawfully Retain (for Maintenance of  
*H. 6. 7. 17.* any Sute or Plea) any Person or Persons, or Embrace any Free-  
*E. 4. fo. 4.* holders or Jurors, or Suborn any Witnesses by Letters, Rewards,  
*21. E. 4.* Promises, or other sinister means, to the disturbance or hin-  
*23. 6. H.* drance of Justice, or to the Procurement of Perjury by False  
*7. 18. a. 9.* Verdict, or otherwise, in any of the Courts aforesaid, in pain  
*H. 7. 18. a.* of 10 pounds every Offence, one Moyety to the King, and the  
*Dyer fo. 52.* other to him that will Sue for the same as aforesaid.  
*pl. 6. Co. Car. fo. 163. Raft. pla. fo. 430. Goldsb. Rep. pa. 113. pl. 1. Kell.*  
*Rep. fo. 50. Bro. Tit. Maintenance, 1, 3, 5, 6, 7, 8, 9, 13, 14, 16, 17, 18, 19,*  
*20, 24, 27, 28, 30, 32, 34, 39, 40, 41, 42, 43, 48, 49, 50, 51, 53, Co. 2.*  
*Inst. fo. 208, 209, 212, 213, 484, 563, 564, Noy, Rep. fo. 102.*

*Ve. Dyer* IV. But the Purchasing and Obtaining of a pretended  
*fo. 52. b.* Title of any other to any Mannors, Lands, &c. by him  
*Co. Lit. fo.* who is in lawful Possession, by taking the Rents and Profits  
*369. a. b.* of the same, is lawful,

V. The Justices of Assize in every Circuit within this Realm,  
 shall in every County within their Circuits, two times in the  
 year, *viz.* (in the time of their Sitting for the taking of Assizes  
 or Delivery of the Goals) cause open Proclamations to be made  
 of this Act, and of all other Statutes made against Mainte-  
 nance, Champerty Embracery, and unlawful Retainers.

*Ve. Dyer.* VI. None shall be charged with any of the Penalties men-  
*fo. 74. pl.* tioned in this Act, unless he or they be Prosecuted within one  
*19. Moo.* year next after the Offence committed.  
*Rep. fo. 751. pl. 1030. Co. pla. fo. 163. Regest. fo. 57.*

VII. Provided, that this Act shall not Extend to Restrain  
 the Power of Jurisdiction of the High Court of Castle-Chamber  
 in this Realm, but that the same Court may at any time pro-  
 ceed to the Punishment of any of the Offences or Misdemeanors  
 mentioned in this Act, according to their Discretions.

### Marches.

I. Stat. 10. H. 7. Cap. 10. Every Marcher and English  
 Captain, Inhabitants within the Land of Ireland, shall present  
 to the Lord Lieutenant or his Deputy, the names of the per-  
 sons in their Retinue by Indentures; and shall answer for  
 their Defaults to every person upon Complaint.

II. Every Marcher voluntarily Succouring Receiving or Suf-  
 fering any Enemies, or Rebels to pass or re-pass (and being  
 duly Convicted thereof) shall be accounted a Felon Attainted;  
 and the Warden of every such March, shall Apprehend every  
 such person, and bring them to the King's Goal.

III. After

III. After Proclamation, all persons having Lands within the said Marches, shall Resort by themselves, or their Deputies (such as shall be thought sufficient by the King's Lieutenant, or his Deputy, and the King's Council) to their said Lands, and abide there, for Defence of the King's Subjects; and in Default thereof, the King to Seize the said Lands, and to receive the Profits thereof, for the Maintenance of his Wars of his said Land, during the Absence of the said Lords or their Deputies.

IV. Every Man between the Age of 16 and 60, Inhabiting within every County, City, Burrough or Town, adjoining upon such Marches, upon lawful warning, shall be ready in their best Defensible Array for War, to Aid and Defend the aforesaid Marches, according to the Statute thereof made, and the pains contained in the same.

### Marriages.

I. Stat. 33. H. 8. Sess. 1. Cap. 6. All Marriages (after the First day of July 1540.) that shall be Contracted within this Church of Ireland, between Parties that be not prohibited by God's Laws to Marry, such Marriages being Solemnized in the Face of the Church, and Consummate with Bodily Knowledge, or Fruit of Children or Child, being had therein between them, shall be taken for good and lawful and indissoluble, notwithstanding Pre-contract of Matrimony (not Consummated with Bodily Knowledge) which either or both of the Persons so Married, have made with any other, before the time of Contracting that Marriage which is Solemnized and Consummate as aforesaid.

II. No Reservation or Provision (God's Law excepted) shall Impeach any Marriage without the Levitical degrees.

III. None shall be Admitted in any of the Spiritual Courts within this Land, or any other the King's Lands or Dominions, to any Process, Pleas or Allegations contrary to this Act.

IV. Stat. 10 Car. 1 Sess. 2. Cap. 21. If any being married do Marry again, the former Husband or Wife being alive, every such Offence is Felony, and the Offender shall suffer Death as in Case of Felony; and the Parties so Offending, shall receive like Proceeding, Trial and Execution, in such County where they shall be apprehended, as if the Offence had been committed wholly within this Realm in such County.

V. This Act shall not extend to any whose Husband or Wife shall be continually remaining beyond the Seas, by the space of 7 Years together, or whose Husband or Wife, shall absent him or her self one from the other, by the space of 7 Years together, in any Parts within the King's Dominions, and one of them not knowing the other to be living.

# Marriages.

**VI.** Nor shall this Act extend to any that are at the Time of such Marriage, Divorced by any Sentence had in the Ecclesiastical Court, or where the former Marriage was had within the Age of Consent.

**VII.** No Attainder for this Offence, shall make any Corruption of Blood, Loss of Dower, or Disinheritance of Heirs.

**12. Car. 2.** **VIII.** Stat. 17 & 18 Car. 2. Sess. 5. Cap. 3. All Marriages had and solemnized in this Kingdom; since the First Day of May, 1642. before any Justice or reputed Justice of the Peace of this Kingdom; and by him so pronounced or solemnized, according to the Directions of an Act or Ordinance of one or both Houses of Parliament of England, or of any Convention sitting at Westminster under that Name, shall be adjudged Valid in Law, as if the same had been solemnized according to the Rites and Ceremonies of the Church of England.

**IX.** And wherein any Sute, in any of the Courts of the Common Law within this Kingdom, any Issue shall be joyned upon the Point of Bastardy, or lawfulness of Marriages concerning the Marriages aforesaid, the same shall be tryed by a Jury of 12 Men, according to the Course of Trial by Jury at the Common Law, and not otherwise.

**X.** Stat. 9. Gul. 3. Cap. 28. If any Protestant Maid or Woman unmarried, being Heir Apparent to her Ancestor, or having a Sole or Joint Estate or Interest in Fee-Simple or in Fee-Tail, or being Seised in Fee-Simple, or in Coparcenary, or in Common, or being Seised of an Estate for Life or Lives, by way of Jointure, Dower or otherwise, or being Possessed of, or Intituled unto any Beneficial Interest or Term of years, of or in any Mannors, Lands, &c. in Possession, Reversion or Remainder, or being Possessed of, or Intituled to any Personal Estate, either in Money, Stock, Plate, Jewels, or other Goods and Chattels, in Law or Equity, to the value of 500 pounds Sterling or more, shall, at any time after the first day of January next, Marry or take to Husband any person whatsoever, without having first obtained a Certificate in Writing, under the Hand of the Minister of the Parish, Bishop of the Diocese, and some Justice of the Peace living near the place (or any 2 of them) where such person shall be Resident, at the time of such Marriage, that he is a known Protestant, which Certificate shall also be Attested under the Hands of two or more credible Witnesses; and shall be Granted without Fee or Reward, that then, and from the time of such Marriage, such Protestant person so Marrying, and the person she shall so Marry, shall be for ever afterwards Disabled, and rendered Incapable of having or enjoying all or any of the aforesaid Estates or Interests; and that the same shall go to, and be deemed to be the Right and Estate of the next Protestant of the Kin, to whom the same would descend to by Law, were such Protestant Maid or Woman and all other Intervening Pro-  
pish

Popish Heirs, Executors or Administrators, really Dead and Intestate at the time of such Marriage, and such next Protestant of the Kin, as aforesaid, shall Hold and Enjoy the same in as ample Manner, as the said Protestant Maid or Woman might have held the same, in case this Act had never been made. And that at any time after such Protestant Maid or Woman shall Marry without such Certificate as aforesaid, it shall and may be lawful for such Protestant person or persons as aforesaid, by any Action at Law or other Legal means whatsoever, to Sue for and Recover the same, as if such Protestant person so Marrying as aforesaid, and all other Intervening, &c. were really Dead and Intestate as aforesaid; and as if such person or persons so Suing were Rightfully and Legally Intituled thereunto, as Heirs, &c. to such Maid or Woman Marrying as aforesaid, she being by such Marriage deemed Dead in Law.

XI. If any such Protestant Maid or Woman, after the First day of January, 1697. Marry such person, without a Certificate as aforesaid, that then and from thenceforth, she and such Husband as she shall Marry as aforesaid, shall for ever be incapable of being Heir, Executor, Administrator or Guardian, to any Protestant or Protestants whatsoever: And in case any such Protestant Woman as aforesaid, is now Married to a Popish person, and hath now by Law a Title, or is Chosen or Appointed to be Guardian to any Protestant person or persons, having all or any of the said Estates or Interests, then after the said First day of January, such Guardian shall be utterly incapable of being any longer so Guardian, or receive any the Rents, &c. as Guardian; and the Right of Guardianship shall Devolve and come to the next Protestant of the Kin, to whom the Estate of such persons in Guardianship as aforesaid, cannot descend (unless such person shall be incapable in Law or shall be Adjudged unfit by the Court of Chancery in this Kingdom) in either of which Cases, such Right of Guardianship shall go to the next Protestant of Kin, who shall be Capable and Fit for the Discharge of such Trust, who shall take into his, her or their Care, the Tuition of such persons in Guardianship as aforesaid, and receive the Rents and Profits of their Estates.

XII. Any Protestant Minister, or Popish Priest or other person whatsoever, that shall after the First day of January, Join in Marriage any Protestant Maid or Woman, having any of the Estates or Interests aforesaid, to any person whatsoever, without having such Certificate in Writing as aforesaid, shall for every such Offence (being Convicted thereof by his or their Confession or by the Verdict of a Jury of the County where such Offence shall be Committed) suffer one years Imprisonment, without Bail, and Forfeit the Sum of 20 pounds Sterling, one moyety to the King, His Heirs and Successors, and the other to the Parties that will Sue for the same, by any Bill, &c. wherein no Essoin shall be allowed.

XIII. If

XIII. If any Protestant, after the First day of January next (*viz.* 1697.) Marry any Maiden or Woman, without having obtained a Certificate in Writing as aforesaid, such person so Marrying any Maiden or Woman, shall from and after such Marriage, be in Law Deemed to all Intents, a Papist or Popish Recusant, and shall for ever afterwards, be Incapable of being Heir, Executor, Administrator or Guardian to any persons whatsoever; as also Disabled to Sit in either House of Parliament, and Rendred Incapable of Bearing or Exercising any Civil or Military Office or Employment whatsoever, unless within one year after such Marriage he procure such Wife to be Converted to the Protestant Religion, and shall obtain a Certificate under the Hand and Seal of the Bishop of the Diocese, or Arch-Bishop of the Province, or Chancellor of this Kingdom, that she hath Renounced the Popish Religion, and is become a Protestant, and shall procure the said Certificate to be Inrolled in the Court of Chancery in this Kingdom.

XIV. Any Popish Priest or Protestant Minister, or other person whatsoever, that shall Marry any Soldier Inlisted in the King's Army, to any Wife without such Certificate as aforesaid, shall Forfeit 20 pound for every such Offence, to be Levyed by Warrant from any Justice of the Peace in any County in this Kingdom (where such Offence shall be Committed) of the Goods and Chattels of the Offender, or in Default thereof to be Committed to the common Goal, there to remain without Bail till payment thereof, One moyety to the Informer that shall make out such Offence before any Justice of the Peace; and the other Moyety to the Treasurer of the County, to be Applied to the use of the County; and that every Justice of the Peace shall give an Accompt of his Proceedings at the next Quarter-Sessions.

XV. Such as think themselves Aggrieved by the Judgment of any Justice of the Peace, may Appeal to the next Quarter-Sessions where the said matter shall be examined, and such Relief therein given, as to them shall seem Reasonable.

XVI. Provided that in all Cases where a Certificate is required by this Act (that the Person Marrying is a known Protestant) if any Marriage shall be made without such Certificate, and it can afterwards be made appear by Proof that such a Person was a known Protestant, that in such Case they shall not be liable to any Forfeitures or Penalties in this Act.

#### Marshal and Marshalsea.

I. Stat. 10 Gul. 3. Sess. 2. Cap. 9. After the 20th of October, 1698. the Marshal of the 4 Courts in Dublin, shall Demand and Receive the several Fees following and no more, *viz.*

II. Every Prisoner shall pay to the Marshal for the Comittal Fee, 6 shillings and 8 Pence and to the Turn-Key, 6 pence,

6 pence, for a Discharge or Dismission Fee, to the Marshal 6 shillings and 8 Pence, upon every *Habeas Corpus* directed to the Marshal the person in Custody procuring the same, shall pay to the Marshal 2 shillings and 6 pence; every Prisoner brought into Court by *Habeas Corpus ad Satisfaciendum*, and thereupon committed to the Marshal in Execution, shall pay to the said Marshal 6 pence in the pound, where the Execution is, or shall be for any sum of, or under 100 pounds; and where it shall be for more: then to pay 3 pence in the pound, for every pound above the sum of 100 pounds.

III. But none committed in Execution shall be liable to pay any more of the said Poundage or Execution Fees, then for the Debt or Damages or Costs, as he, she or they, really Owe; and which the Plaintiff or Plaintiffs (on such Execution) really and *bona fide* do, or shall Receive.

IV. If any Person shall be taken by the Sheriff of any County, and brought up in Custody and committed to the Marshal of the Four Courts in Execution; the said Poundage or Execution Fees, shall then be paid to the said Sheriff that Executed the *Writ*, and not to the Marshal.

V. Any Person in the Marshal's Custody, pleading a Pardon at the Bar, shall pay to the said Marshal for his Fees thereon, 7 Shillings and no more.

VI. After the Day aforesaid, every Person being Prisoner in the said Marshalsea, shall have free liberty to bring in, or Cause to be brought in, his own Bed, Meat, Drink and Cloathing, at seasonable Hours, without being hindred by the Marshal, his Deputy, or any Employed under him. And no Room in the said Marshalsea shall contain more than 4 Beds, and a Chimney shall be in every such Room and in every such Room that contains 4 or 3 Beds, each Person that brings in his own Bed shall pay for the Standing of the said Bed, 15 Pence per Week, and no more; and if 2 Prisoners agree to lye together, and find their own Bed, then to pay 12 pence each of them, for the standing of the Bed, and no more; and no more than two Persons shall lie in one Bed, and the said Beds shall stand at least 4 Foot asunder at the Sides, but may join together at the Heads or Feet.

VII. And in Case the Marshal shall find the Prisoner or Prisoners a Bed or Beds, with Necessaries in such Rooms, then each Prisoner shall pay the said Marshal 2 Shillings and 6 Pence per Week for the said Bed, such Prisoner having a Bed to himself; but if two Prisoners agree to lie together in one Bed, then they shall pay each of them 2 Shillings per Week for the said Bed.

VIII. Every Prisoner lying in the Common Hall, shall pay One penny per Night to the Marshal, and no more for his said Lodging.

IX. If

## Marshal and Marshalsea.

**IX.** If any Prisoner shall desire to have a Chamber and Bed to himself, then he shall or may agree with the said Marshal, at such Rates as he can, for the said Lodging and Bed.

**X.** If the said Marshal of the Four Courts, or his Deputy, or other Persons Employed under him, shall at any Time after the 20 Day of October, 1698. Offend herein; then the Marshal or his Deputy (which of them shall offend herein) shall Forfeit for the First Offence 20 Pounds, one half to the King his Heirs and Successors, the other moyety to the Party grieved, to be Recovered by any Action, Sute, &c. in any of the King's Courts of Record at *Dublin*, wherein no Eſſoyn, &c. shall be Allowed: And for the Second Offence 40 Pounds, to be Recovered by the Party Grieved in manner aforesaid, and to be Divided as aforesaid: And for the Third Offence, the said Marshal shall Forfeit his Office, and be from thenceforth Incapable of Holding or Exercising the said Office of being Marshal of the Four Courts, or Deputy Marshal of the same, for ever after.

**XI.** And for the future, the Marshalsea of the Four Courts, shall be kept Separate and Distinct (as formerly it hath been) in a House by it self, under the Care of the Marshal of the Four Courts Appointed, or to be Appointed by His Majesty's Letters Patents under the Broad Seal of this Kingdom, or the Chief Governors of this Kingdom for the Time being.

**XII.** The Marshalsea of the City of *Dublin*, shall be likewise kept Separate and Distinct, in another House by it self, under the care of such Person or Person, as shall be duly Authorized and Appointed to keep the same,

**XIII.** After the First day of *January*, 1698. the said Marshal of the City of *Dublin*, shall take for every Prisoner committed to his Custody, upon any Action out of the *Tholsel* Court, 2 Shillings 6 Pence. For every Prisoner committed by the Lord Mayor for Petty-Debts, 1 Shilling. For every Writ of *Venire facias* or *Fieri facias*, Issued out of the City Court to the said Marshal, 1 Shilling and 6 Pence. For all Executions out of the City Court Directed to him, 6 Pence in the Pound, for every Sum of, or under 100 Pounds. And for every Pound above 100 Pounds, 3 Pence for each Pound; and in such manner, and under such Restrictions, as are Appointed by this Act for the Marshal of the Four Courts.

**XIV.** And the said Marshal of the City of *Dublin*, shall Observe and Keep the same Rules, and Take the same Rates, for the Lodgings and Accommodation of Prisoners, in such sort and manner, as is likewise Appointed by this Act, for the Marshal of the Four Courts. And in Case the Marshal of the City of *Dublin*, his Deputy or any other Persons Employed under him, Offend contrary to this Act; then the said Marshal or his Deputy, which of them shall Offend herein, shall Forfeit for the First Offence 20 Pounds; and for the Second 40 Pounds, to be Recovered by the Party Agrieved, in  
such

such manner as the other Penalties before mentioned are Appointed. And for the Third Offence shall Forfeit his Office, and be from thenceforth Incapable of Holding or Exercising the said Office of Marshal, or being Deputy Marshal for ever after.

## Measures.

I. Stat. 28. H. 6. Cap. 3. No Man shall Sell Wine, Ale, or any other Liquor, within any City or Town Franchised within the Land, but with the King's Measure Sealed; That is to say, the Gallon, Pottle, the Quart, Pint and Half Pint, in pain to Forfeit the Measures, and make Fine of 40 Shillings, one Moyety to the King, and the other to the City, Burrough or Town where the Offence is committed.

9. H. 3.  
Cap. 25.  
Engl. 14.  
E. 3. Cap.  
12. 8. H.  
6. Cap. 5.  
Engl.

II. Stat. 12. El. Cap. 3. By this Statute the Queen at Her own Charge was to provide Two Measures of Brass, one for Wheat, Rye, Meflin, Beans and Pease, and another for Malt, Oates and Barley, to be the Standard for the Shires of the City and County of Dublin, Kildare, Catherlogh, Wexford, Meath, and Town of Drogbeda, West-Meath, Louth, King's County and Queen's County, within this Realm, to be marked with the Crown and Letters of the Queen's Name, and to remain in the Exchequer, for the Standard of those Shires, City and Town in the Custody of the Lord Treasurer of this Realm, or under Treasurer; and Directions in the said Act by whom, and when these Measures were to be Provided, and where to be sent and kept. And the Bushel for Wheat, Rye, Meflin, Beans and Pease, to contain 16 Ale Gallons; and the Bushel for Malt, Oates and Barley, to contain 20 Ale Gallons; but this Statute is now Altered, by the Statute of the 7. Gul. 3. here next following.

III. Stat. 7. Gul. 3. Cap. 24. One and the same Measures shall be used in and throughout this Kingdom, and every part thereof; and the Measure called the Peck, shall contain 2 Gallons, the Bushel 8 Gallons, the Half Barrel 16 Gallons, and the Barrel to contain 32 Gallons, the said Gallon to contain 272 Cubical Inches, and one Fourth part of a Cubical Inch, according to the Gallon mentioned in the Statute of the 12 Eliz. (being the Statute last afore-mentioned.)

14. E. 3.  
Cap. 12.  
13. R. 2.  
Cap. 9.  
Engl.

IV. And One Barrel, Half Barrel, One Bushel, One Peck and One Gallon, according to the abovesaid Measure, to be forthwith provided at the King's Charge, to be the Standard for Measures throughout this Kingdom; and that the said Standards being marked with the Crown and Letters of the King's Name, shall be placed and safely kept in the Exchequer of this Kingdom, in the Custody of the Lord Treasurer of this Realm, or of the Vice Treasurer his Deputy or Deputies.

## Measures.

V. And in every County, Town, City, Liberty, Franchise and Market Town within this Realm shall be kept, at their proper Charges, in the Custody of the Sheriff of such County, and of the Mayor, Bailiffs, Sovereign, Seneschal or Steward of any Liberty or Mannor, or other chief Magistrate Residing in such City or Market Town, One Barrel, One Half Barrel, One Bushel, One Peck and One Gallon, according to the above-mentioned Measures; which said Barrel, Half Barrel, &c. shall be first measured by the said Standards in the Exchequer, and shall be severally Sealed, Branded and Marked on the Edge or Brim, with the Crown and Letters of the King's Name; and with such Mark as the Lord High Treasurer, &c. shall think fit: And for Measuring, Branding, &c. of each such Measures, 6 pence shall be paid to the said Lord High Treasurer, &c. by those who shall bring the said Measures to be Measured, &c. Which said Barrels, Half Barrels, &c. in the Custody of the said Sheriffs, Mayors, &c. being Measured and Marked as aforesaid, shall be the Standards for such County, City, &c.

VI. And the said Sheriffs, Mayors, &c. in whose Custody such Standards are appointed to remain, shall measure and compare all such Barrels, half Barrels, &c. as shall be brought or offered to them or any of them to be Measured and Marked; and if upon Measuring the same, they find them to be agreeable and to contain equal Quantities, with the said Measures Marked by the Lord Treasurer, &c. then they shall Mark and Brand the same on the Rim, or Edge of them, with the Crown and Letters of the King's Name, and also with a Mark or Brand to be appointed by each County, City, &c. and 6 pence and no more shall be paid for such Measuring and Marking, by the persons bringing the same.

VII. After the 26<sup>th</sup> day of March, 1696. No Measures shall be used for Measuring any sort of Grain in this Kingdom, or in any part thereof, but such as shall be first Measured and Compared by the said Standards in the Exchequer, or by one of the said Standards remaining in the Custody of such as are hereby appointed to have the Custody of them, in the respective Counties, Cities, &c. as aforesaid. And whosoever, after the said day, shall Sell or Measure any sort of Grain, Corn, Malt or Oat-meal, in any Place or Places whatsoever within this Kingdom, by any Measure or Measures containing any greater or lesser Quantity than as aforesaid, or by any Barrel, &c. which hath not been Measured, and is not of equal Content with the said Standard of the Exchequer, or with the Standards remaining in the said Counties, Cities, &c. or some of them, or hath not been Marked as aforesaid, by the Officer there, shall Forfeit for every such Offence 10 pounds, one Moyety to the Poor of the Parish where the Offence is Committed, and the other Moyety to the Informer. And upon Information given upon Oath or otherwise, to any Justice of the

the Peace of any County, Mayor, &c. they shall immediately Issue out their Warrant, and require the Offender to Appear before him; and if upon Examination, it shall appear to him, upon Oath of one or more Witness or Witnesses, that the Party Complained of, hath Sold, Delivered or Received any sort of Corn, &c. by any Barrel, half Barrel, &c. not Marked, &c. by the Sheriff, Mayor, &c. or some other person who hereby have Power and are appointed to Mark, &c. the same; that then the said Justice, Mayor, &c. within their respective Precincts, shall Issue a Warrant to the Constable of the Parish (where such Offender Resides) to Levy by Distress and Sale of the Offender's Goods, the said Sum of 10 pounds, to be Devided as aforesaid.

VIII. And if any who hath Power to Measure and Mark any Barrel, &c. shall Mark or Allow any that Agrees not with the said Standard remaining in his Custody, he shall Forfeit 50 pounds, for every such Barrel, half Barrel, &c. Allowed by him, one moyety to the King, and the other moyety to him that will Sue for the same; to be Recovered by Action of Debt, &c. in any of the King's Courts of Record at Dublin, and no Essoin, &c. shall be allowed.

IX. And every Barrel, half Barrel and other Measure whatsoever, of any sort of Corn, Grain, Malt or Oat-meal, shall be Sold, Delivered and Received Striked without Heaps, and without Pressing or Shaking down, and not in any other manner, in pain to Forfeit 5 pounds, to him that will Sue for the same; to be Recovered as aforesaid, and no Essoin, &c. to be allowed.

## Merchants and Merchandises.

I. Stat. 12. E. 4. Cap. 1. None shall Carry any Hydes or other Staple Merchandises out of Ulster into Scotland, not paying the King's Custom, in pain of Forfeiture of the same, or the value thereof to the King.

II. The Chief Justice of the King's Bench (for the time being) may Enquire of the Offenders herein, by a Jury of the next adjoining County to Ulster (the King's Writ not Running there) and upon presentments found, to make Process thereupon to the Sheriff of the said County adjoining to Ulster, as if the said Presentment had been within the County or Liberty of Ulster, and Process made to the Sheriff or Seneschal there.

## St. Michan's.

I. Stat. 9. Gul. 3. Sess. 1. Cap. 41. The Parish of St. Michan's in Oxman-Town in the Suburbs of Dublin, after the 20th day of November, 1697. to be divided into 3 several Parishes, and to be called by the Names of the New Parish of St. Michan's, the Parish of St. Mary, and the Parish of St. Paul, according to such their Division after mentioned, each of which shall be in-

dependant from the other, and have Parochial Rights as separate Parishes; and that there shall be for each of them, a several Parochial Church, and a Rector or Minister several and independant from the other, and so to continue for ever, who shall each of them have Cure of Souls there, and receive from the Inhabitants of their said respective Parishes, all such Tythes, Oblations, &c. as Arise, Grow or Renew within the same, and ought to be paid. And that there shall be for each of the said Parishes, Church-Wardens, a Parish Clerk and other usual Parish Officers in Succession for ever, who shall perform the Parish Duties belonging to their Offices, and receive the Profits, &c. of Right belonging to such Offices in Parishes.

II. And after the said 20<sup>th</sup> of November, all those Houses and Lands, on the West Side of Smithfield, and also an Alley there called Peter's Alley on both sides, and cross Channel-Row, the breadth of the said Peter's Alley, to the Countess Dowager of Drogbeda's House (excluding the said House) Westward and Northward, as far as the ancient Bounds of the Parish of St. Michan's do extend, and from the said West side of Smithfield, Southward by the Glass-House (including the said Glass-House) as also the Back Stables, and Aran's Key, to Mr. Thornton's House (exclusively) as far as the River Liffy; and thence also Westward as far as the Bounds of the Parish reach, shall be the Parish of St. Paul's, and so for ever hereafter be called, deemed and taken.

III. All that part of the Ground or Green within the Parish of St. Paul's, called Oxman-Town-Green, lying at the South end thereof, as the same is Staked and Set out, containing from East to West, 120 Foot, and from South to North 250 Foot, shall be set apart, and applied to and for ever, after the said 20<sup>th</sup> day of November, and Enjoyed for the uses following, viz. Such part thereof, (as by the Chief Governour or Governours and Council of this Kingdom, shall be appointed for that purpose) to be for the Building of a Parish Church, Vestry-House and other Rooms and Conveniences necessary for a Church, and the Residue thereof to be for a Church-yard, which said Church, as soon as the same shall be Built, shall be Dedicated to the Service of God, and be a separate Parish Church, distinct from the old Parish Church of St. Michan's aforesaid, and be called the Parish Church of the Parish of St. Paul, and that Ezekiel Burridge, Clerk, Master of Arts, shall be the present and immediate Rector or Minister of the said Church, after the said 20<sup>th</sup> day of November, subject nevertheless to the Visitation of the Ordinary of the Diocese, in such manner as the Rector of the old Parish was, and no otherwise, and to such other Canons, Rules and Laws Ecclesiastical, as Ministers or Rectors of Churches are usually liable to; and that Edward Corker and Henry Westonra, Esqrs; shall be the present and immediate Church-Wardens, to continue in their said Office until

til the Feast of Easter, 1699. at which time, and so for ever hereafter, at every Easter in each Year, Two others shall be Chosen in the Vestry of the said Parish, according to the usual course for Choosing such Officers.

IV. And all that Part of the said Parish of Old St. Michan's, hereafter particularly Described, shall after the day aforesaid, be the Parish of St. Mary, and so for ever hereafter be called, deemed and taken, (That is to say) All that Street called Capel-Street, from Essex-Bridge, all Strand-Street, to the Corner of White-Lyon-Court, including the said Court, Saint Mary Abby on both sides to Boot-Lane (exclusively) the Houses of Edmond Reynel and Richard Thompson, Esquires, and thence up Drumcondra-Lane, as far of the old Parish of St. Michan's reacheth, and all that part of the said old Parish, as it lies Eastward of the said Bounds of the Parish of St. Mary already Described.

V. All that parcel of Ground within the said Parish of St. Mary herein after Described, (That is to say) That part of Ground on Pipboe's-Park, fronting Northwards to the Pavement, on the South-Side of St. Mary Street, over against Sr. Arthur Cole's-House, where the Lord Chancellor now Dwelleth, containing from East to West, 130 Foot, and from North to South to Abbey-Street, 200 Foot, and Bounded on the East and West, with the Ground intended for Two New Streets not yet Named, to be set apart, and applied for ever after the said 20 Day of November, and Held and Enjoyed, &c. for the Building of a parish Church, &c. as is shewed here before, §. 3. And to be a separete Parish Church, divided from the old Parish Church of St. Michan's aforesaid, and be called the parish Church of the Parish of St. Mary; and that Peter Brown, Clerk, Batchellor of Divinity, shall be the present and immediate Rector or Minister of the Church after the day aforesaid; subject nevertheless to the Visitation and Power of the Ordinary, &c. (as is shewed before in the Parish of St. Paul §. 3.) And that Robert Rochfort Esq; His Majesty's Attorney General, and Allan Brodrick Esq; His Majesties' Solicitor General, shall be the present and immediate Church-wardens for the said Church, to continue in their said Office until the said Feast of Easter, 1699. And then every Easter after, new ones to be chosen as afore-shewed, §. 3.

VI. And all the Rest and Residue of the said Parish of Old St. Michan's not herein before taken out, or appointed for the said Parishes of St. Paul and St. Mary or either of them, shall be the New Parish of St. Michan's; and that for ever after the said 20th Day of November, shall be so called, deemed and taken. And that the New Parish Church in the Old Parish Church of St. Michan's, and the Rectory thereof shall be and be called, the Prebend of St. Michan's, belonging

longing to the Cathedral of Christ's Church, Dublin, as the Old Rectory was; and the same Church with the Church-Yard, Vestry-House, &c. belonging to the said old Parish, shall for ever after the Day aforesaid, be for the use of the Minister and Parishioners of the said new Parish of St. Michan's, &c. And that John Clayton, Clerk, Master of Arts, shall be the present and immediate Rector or Minister of the said Church, after the said 20th Day of November, and be a Prebendary of the Cathedral of Christ's Church in Dublin, as the Rector of the said Old Parish was, subject nevertheless, to the Visitation and Power of the Ordinary of the Diocese, in such manner as the Rector of the said Old Parish of St. Michan's was, and no otherwise; and to such other Canons, &c. And that Sr. Patrick Dunn, Knight, and Charles Ward, Esq; shall be present and immediate Church-Wardens for the said Church, and continue in their Office until the Feast of Easter, 1699, at which Time and so for ever hereafter, two others shall be chosen as afore-shewed.

VII. And the several Rates and Taxations already made and settled, for the several Houses and Lands, within the said several Parishes before the Division thereof, while the Precincts thereof were part of the Parish of Old St. Michan's, and which were payable to the Minister or Rector of the said Old Parish, shall be the Rates and Taxations payable, and to be paid in each of the said New Parishes, to the respective Rectors or Ministers hereby appointed for such New Parish and their Successors, for the said several Houses and Lands, in each of the said New Parishes respectively.

VIII. And the Chief Governors, &c. shall withall convenient speed, after the 20th day of November, appoint a certain Number (not exceeding 7.) of Discreet Persons, Inhabiting in the said Old Parish of St. Michan's (according to the extent of the said Parish before the making of this Act) to be Commissioners for Erecting the said New Churches, Enclosing the Church-Yards, Erecting Galleries, Pulpits, Desks, Pews, and other Necessary Ornaments of the said Churches, and also for Repairing the said old Parish Church of St. Michan's who are hereby required within one Month (after they shall be so Nominated and Appointed) to give in an Estimate in Writing, to the said Chief Governors and Council, under the Hands of 5 or more of them, of the Charges necessary for the Building, Finishing and Repairing, the said several Churches, and Providing such Ornaments: After which Estimate so Returned, the Chief Governors, &c. shall Nominate and Appoint such Person or Persons, as to them shall seem meet to take and Receive the Subscriptions and Contributions of such Persons, Bodies Politick and Corporate, as shall be willing to Contribute any Thing towards the Building

Building the said Churches, and to collect and Receive the same; of which such Person or Persons so appointed, shall within 3 Months after their Appointment, make true Return to such Chief Governours, &c. and pay the same according to their Direction. And for the Levying and Raising so much as shall remain to be Raised of the said Sum required in such Estimate; it's made lawful for the Chief Governour, &c. to appoint 30 discreet Persons Inhabiting within the said Parish of Old St Michan's (as the same was before the making this present Act) to be Assessors and Approvers, to Appoint and Apportion such Sums so remaining to be raised (or so much thereof as shall be thought necessary and approved of, by the said Chief Governours, &c.) on the several Inhabitants, Owners and Occupiers of the several Houses, Lands and Tenements, within the said old Parish, as the same was, &c. by an equal pound rate, according to the value of such Houses, Lands and Tenements, and to settle what proportion shall be paid by the Land-Lord, and how much thereof by the Tenants; and to make a true Return thereof under their Hands, or the Hands of 17 or more of them, to the said Chief Governours, &c. within 2 Months after they shall be appointed Assessors in manner aforesaid; and such Assessors so to be appointed, are to make such Appplotment, and to Return the same accordingly.

IX. And the Sums so Appplotted on the Inhabitants, &c. shall be paid by 8 Quarterly Payments, in 2 Years next ensuing, such Appplotment, the first quarterly payment to commence on the 29 day of September 1698. which Return being Approved of, by such chief Governours, &c. shall be as good and effectual a Charge on every particular Inhabitant, Owner, &c. as if the same had been particularly Expressed and Enacted to be Charged upon them; and shall be paid by such Persons on whom the same shall be Charged respectively.

X. Provided that none Act as Commissioner or Assessor as aforesaid, before they shall have taken an Oath before the Lord Mayor or Recorder of the City of Dublin, truly to Assess each Inhabitant, Owner or Occupier of any House or Houses, Lands or Tenements within the said Parishes; and every of them according to the best of his or their Skill or Knowledge, without easing any person or persons for Favour or Affection, or Charging any person through Hatred or prejudice. Which Assessors shall each of them be Taxed and Assessed by themselves, by the Majority of the Parishioners of the said Old Parish of St. Michan's, at an Assembly of them to be had for that purpose, according to the Course of their holding a Vestry, and the Assessors during that time to withdraw.

XI. Made Lawful for the Chief Governours, &c. to Remove any such Commissioner or Assessor, as they shall see cause,

cause, and to Appoint others of the said Parish in their Rooms; and also upon the Death of any of them, to do the like.

XII. The Commissioners and Assessors, or the major part of them, are to Appoint and Return to the said Chief Governors, &c. under their Hands, or the Hands of 17 of them or more, the Names of 9 Persons to be Supervisors for Repairing the said Church of St. Michan's, and Building and Providing the said Two New Churches, and other Conveniences belonging thereunto, and for laying out the Money about the same; as also for taking all Accompts relating thereunto, which they are to perform accordingly; the said Accompts nevertheless to be subject to the Inspection and Control of the Commissioners and Assessors aforesaid, or any 17 of them.

XIII. The Supervisors or any 5 of them, may as often as they think fit, appoint 2 or more persons to be Collectors for the said Parishes, or such parts of them or either of them, as they shall think fit, to Collect the Sums charged on the several persons, within their respective Collections, who are to Collect the same accordingly, and to pay the same as they shall be thereto required, to such Treasurer or Receiver as shall be Appointed by the said Supervisors, or any 5 or more of them, whose Receipt shall be a sufficient Discharge to the said Collectors; And the Collectors from time to time, to render an Accompt to the Supervisors (when they or any 5 of them require it) of their several Collections and Payments: on which Accompt they shall be Allowed for their pains in Collecting such Sum (not exceeding 12 pence in the pound) as the Supervisors shall agree with them for, or think fit: And in Case any Refuse or Neglect to pay the Sum Charged on them, then the Collectors are to Levy the same by Warrant under the Hands and Seals of the said Supervisors, or any 5 or more of them, by Distress and Sale of the Goods of such Inhabitants, &c. so Refusing to pay, rendering the over-plus to the Owner of such Goods.

XIV. And the said Supervisors or any 5 or more of them, shall within 12 Months after the said 20th day of November (and so once every Year, until the said Churches shall be Built) name one or more person or persons to be Treasurer or Receiver for the ensuing year, of all such Money as shall be Collected or Raised for the said Work; such Treasurer to be Approved of, by the said Commissioners or Assessors, or any 17 of them, and to pay such Sums for the uses aforesaid, as by the said Supervisors or any 5 or more of them shall be Directed; and for his pains therein, to receive such Salary, as by them or any 5 or more of them shall be Deemed reasonable, not exceeding 3 pence in the pound. And the said Supervisors shall also out of the Money to be Collected as aforesaid, Receive such Reward as by the said Commissioners, or any 17 of them shall be Deemed

ed reasonable; and shall also from time to time, make such Orders for and towards the carrying on of the aforesaid Buildings and Works, as to them or the major part of them shall seem reasonable.

XV. If any think themselves aggrieved by the said Commissioners, Assessors or Supervisors, it's made Lawful for them to make their Complaint to the Chief Governours and Council of this Kingdom, who are to give such Relief therein, as to them shall seem Just and Reasonable.

XVI. And after the said Two Churches shall be Built and Finished as aforesaid, and the said Old Church of St. Michan's once Repaired, the Minister or Rector and Parishioners of each of the said Parishes, may Hold Vestries and make By-Laws and Orders, for the Regulation and Ordering of their respective Parishes from time to time, Reparations of the said Parish Churches, and all other Matters incident to Parishes according to course, and as any other Parishes, of and in the City of Dublin, or elsewhere may or can do; which shall have the same, and no greater force in Law, as By-Laws and Orders made in such other Parishes have or ought to have.

XVII. Nothing in this Act shall extend to bar the Reverend Dr. John Pooley Dean of Kilkenny, and late Incumbent of the said Old Church of St. Michan's, Richard Tigh, Robert Constantine and Andrew Rock, late Church-wardens for the said Church, or either of them, their or either of their Executors or Administrators, from Recovering all such Sums as have been Ordered to, or for them or either of them by vertue of any Decree, Act of Vestry, or otherwise heretofore obtained against the Parishioners and Inhabitants thereof.

XVIII. The Right of Patronage of the said Rectories, and of Presentation to the said 3 Churches, on the Avoidance of each of them respectively, by the Death, Cession or Removal of the respective Incumbents hereby appointed for the same, shall belong unto the Dean and Chapter of Christ's Church in Dublin, and their Successors for ever, as the Nomination or Presentation to the Rectory of the Old Parish of St. Michan's did belong to them, and no otherwise.

XIX. Enacted that the Reverend Dr. John Pooley Dean of Kilkenny (late Rector, &c.) his Executors or Administrators, notwithstanding his Removal from the said Parish by his Promotion to the Bishoprick of Cloyne, or by this present Act, shall and may have and maintain, such Remedy for the Recovery of his Arrears, due to him from several of the Parishioners of the said Old Parish of St. Michan's, as before such his Removal he might have had or maintained: Or in Case he, the said Dean of Kilkenny, shall choose rather to bring his Action for such his Arrears, in any of His Majesty's Courts of Dublin, he shall have and maintain such Action for such Arrears, against the respective persons from whence the same are so due, his or their Executors or Administrators.

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XX. The

## City Ministers.

**XX.** The Sum of 12 pounds 11 shillings, being payable to the King, for the First-fruits of the said Old Parish of St. *Micban's*, shall be paid and born by all the said Parishes, in manner and according to the Proportions following, (*viz.*) The Sum of 3 pounds, part thereof by the Minister or Rector of the said Parish of St. *Paul's* for the time being, 4 pounds more thereof by the Rector or Minister of the said Parish of St. *Mary's*, for the time being, and 5 pounds 11 shillings residue thereof, by the Minister or Rector of the said New Parish of St. *Micban's*, for the time being; and the 20th part also due to the King, for the said Old Parish, shall be paid and born by the Ministers of the said several Parishes respectively, according to the same Proportions, as the said First-fruits are herein before appointed to be paid.

## City Ministers.

**I.** *Stat. 17 & 18. Car. 2. Sess. 5. Cap. 7.* The Lord Lieutenant or other Chief Governor or Governors, and 6 or more of the Privy Council of this Kingdom, Impowered to Allot and Charge, or cause to be Allotted, any Sum or Sums of money, to be paid to the several Incumbents and their Successors, within the City and Suburbs of *Dublin*, and Liberties thereunto adjoining, and other Cities and Towns Corporate in this Kingdom, who have Actual Cure of Souls in each parish respectively, out of each House and Houses belonging to the said Parish (whether it be by Apportioning by yearly value or otherwise) so as the same payment do not exceed 12 pence *Sterl.* for every pound of yearly value of every House, as the same shall be valued upon Oath (by Commissioners appointed under the Great Seal of this Kingdom, by Direction of the said Lord Lieutenant, &c.) in which Valuation no House is to be Returned at above 60 pounds yearly value, tho' the same do exceed that value.

**II.** The said Commissions, from time to time, shall be Returned to the Clerk of the Council, under the Hands and Seals of the Commissioners; and after such Allotment so made, and Sums of money Ascertained, Charged and Set forth, to be paid as aforesaid, and Approved by the Lord Lieutenant, &c. such Charge on each Inhabitant of each House, shall be as good in Law, as if the very same Sum so Charged had been particularly Expresed and Enacted to be paid out of each House; and the Sum Allotted and Charge upon each Inhabitant, shall be Received by the Church-Wardens, and paid to the several Incumbents and their Successors, by Four equal Portions every year, *viz.* The Feast of the Nativity of our Blessed Lord and Saviour, the Annunciation of the Blessed Virgin *Mary*, St. *John Baptist* and St. *Michael* the Arch-Angel.

**III.** And in case any Inhabitant Refuse or Delay to pay (upon the Church-Wardens demand) the Sum Charged on the House

*House*

## Money. Mortgages.

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House wherein he dwelleth, at any of the days or times aforesaid; then the said Church-Wardens may enter into the said House, and Distraint on the several Persons so in Arrear, and carry away the Distress or Distresses, and Sell the same to pay the Incumbent, such money as shall be due to him, and deliver the remainder unto said Inhabitant: And if the Church-Wardens shall fail to do their duty herein, then to be Punished for their Neglect, as the Lord Lieutenant, &c. and Council of this Kingdom shall think fit.

IV. No Commission by vertue of this Act, shall be Directed or Issue for Valuation (in any one Parish) of any Houses hereafter to be Built, oftner than once in Three years.

V. Such Punishment as by this Act may be Imposed by the Lord Lieutenant, &c. upon Church-Wardens, for Neglecting their Duties required by this Act, shall not extend to any other kind of Punishment, than by one or more Fine or Fines, or Imprisonment, without Bail, if they think fit; the Fine not to exceed 5 pounds *Sterl.* for such Offence, and Imprisonment, not to exceed one month at any one time for any one Offence.

### Money.

I. Stat. 3. E. 4. Cap. 3. No Money Clipped shall be taken in any manner of Payment, but shall be Accounted none of the King's Coin; and that it shall be lawful for every one to Refuse the same.

II. Proclamations appointed to be made hereof, and Writs to be directed to the Sheriffs, Mayors, Bailiffs, Soveraigns, Portriffs, and all other Officers within the Land of *Ireland*, to Proclaim the same, which was done accordingly.

III. Stat. 28. Eliz. Cap. 6. If any shall falsely Forge or Counterfeit any kind of Gold or Silver, as is not the proper Coin of this Realm, nor permitted to be Current within the same, every such Offence shall be Misprision of Treason; and the Offenders therein, their Procurers, Aidors and Abettors (being lawfully Convicted) shall be Imprisoned, and Forfeit such Goods, Lands and Chattels as in Cases of Misprision of Treason, or Concealment of High-Treason.

### Mortgages.

I. Stat. 9. Gul. 3. Sej. 1. Cap. 36. After the First day of April, 1698. If any shall borrow any Money, or for any other valuable consideration, and for the payment thereof, voluntarily give, or suffer to be entred against him or them, one or more Judgments, Statutes or Recognizances, to any Creditor or Creditors, and afterwards shall Borrow more Money of any other, and for securing the payment thereof, shall Mortgage his or her Lands or any part thereof, to the said Second or other Lender thereof, or to any other in Trust, for his or her

## Mortgages.

her use, and shall not give notice to the said Mortgagee of the said Judgment, &c. in Writing under his or her Hand, before the Execution of the said Mortgage, unless the Mortgagor, his or her Heirs, upon Notice to be given them, by the Mortgagee of the said Lands, his or her Executors, Administrators or Assigns, in Writing under his, her or their Hands and Seals, attested by two or more sufficient Witnesses, of any such former Judgments, &c. shall within 6 Months after such Notice given, pay off and discharge the same and all Interest and Charges due thereupon, or cause the same to be Vacated by Record, that then the Mortgagor of the Lands, his, her, &c. shall have no Remedy against the said Mortgagee, his, her, &c. or any of them in Equity or elsewhere, for Redemption of the same or any part thereof; but the said Mortgagee, his, her or their Heirs, &c. may hold the same, for such Estate and Term therein, as were or was Granted to the said Mortgagee, against the said Mortgager and all persons whatsoever, Claiming under him or her, Freed from Equity of Redemption, as full as if the same had been purchased Absolutely.

II. And if any who hath once Mortgaged, or after the said day shall Mortgage any Lands, &c. to any, for Security of money Lent or otherwise accrued or become due, or for other valuable Considerations, shall again Mortgage the same or any part thereof, to any other for valuable Considerations, the former Mortgage being in Force and not Discharged, and shall not Discover to the said Second or other Mortgagee or Mortgages, or some or one of them, the former Mortgage, in Writing under his or her Hand and Seal, that then in such Case also, the said Mortgager, his or her Heirs, &c. shall have no Equity of Redemption against the Second or other Mortgagee, his or her Heirs, &c. upon the said after Mortgage, but that they may hold the same without power of Redemption.

III. But if it so happen, that there be more than one Mortgage, at the same time made of the same Lands; the several late or under Mortgagees, their &c. shall have power to Redeem any former Mortgage or Mortgages, upon payment of the principal Debt, Interest and Costs of Suit, to the Prior Mortgagee or Mortgagees, his, her or their Heirs, Executors, Administrators or Assigns.

IV. Nothing in this Act shall extend to Bar any Widow of any Mortgager (of Lands and Tenements) from her Dower and Right to the said Lands, who did not Legally join with her Husband in such Mortgage, or otherwise lawfully Bar or Exclude herself from such Dower or Right.

### Murder.

I. Stat. 10. H. 7. Cap. 11. If any shall take any Money or Amends for the Death or Murder of his Friend or Kinsman, and be Convicted thereof, he shall have Judgment de Vie & de Member.

II. And

II. And whensoever any such Murder or Robbery is Committed, Hue and Cry shall be Levyed according to the Statute of Winchester, on pain contained in the said Statute.

## Nisi prius.

I. **S**TAT. 17. & 18. CAR. 2. SESS. 2. CAP. 20. The Chief Justice of the King's-Bench, upon Issues to be Joined in that Court or in the Chancery, the Chief Justice of the Common-Pleas, upon Issues to be Joined there, and the Chief Baron, upon Issues to be Joined in the Exchequer, or in the Absence of any of them, one or more of the other Judges or Barons of the same several Courts (where the Chief Justices or Chief Baron are Absent) may, at their Discretion, within the said Place where the said Courts are commonly kept, in the City or County of Dublin, as Justices of *Nisi prius*, for the said City and County, within the Term time, or within 4 days next after any Term, severally Try all manner of Issues to be Joined in any of the said several Courts, which by Law ought to be Tryed in any of them, by an Inquest of the said City or County of Dublin. And Writs of *Nisi prius* shall be Awarded in such Cases and in such Form, as they are used in any other Shire of this Realm.

II. And all persons (upon reasonable Warning given to the Adverse party, or his or their Attorney, as has been used in such like Cases) may Sue forth Writs and Records of *Nisi prius* for the Tryals of the said Issues in the said City and County of Dublin; as they may do upon any Issue Joined, Tryable in any other County, and take a Jury in such Manner and Form and with Awarding of *Tales de Circumstantibus* and Non-Suite, as is used for the Tryal of Issues Joined, or Non-Sutes to be Awarded in the said Courts, Tryable in any other County within this Realm.

III. And the Sheriffs of the City of Dublin, and Sheriff of the County of Dublin, shall respectively make Return of all Writs of *Nisi prius* (which shall be Delivered to them or their Deputies) before the said Judges or Barons; and shall give their Attendance upon them, as well for the Returning of such *Tales* (as shall be prayed) *de Circumstantibus*, for the Trying of the said Issues, as for the Doing and Executing every thing to their Office, in such Case belonging.

IV. And all persons to be Impannelled in such Juries, and the Parties to the same Issues and Sutes, and their Witnesses shall be bound in the like sort, and upon like Penalties for their Non-Appearance and Attendance, or for any of their Misdemeanours or Defaults, before any of the said Justices of *Nisi prius*, as they should have been, if the same Issue had been Tryed in the Court, from whence the *Nisi prius* was Awarded.

V. All

# Mobility of Ireland. Oaths.

V. All which said several Tryals so to be had, before the said Justices, Baron or Barons, shall be as good in Law, as if the same had been Tryed in the Term time at the Bar, in the Court where such Issue was Joined or Tryable.

## Mobility of Ireland.

I. Stat. 10. Car. 1. Sess. 3. Cap. 21. All and every person or persons, being an Earl, Viscount or Baron of this Kingdom, and having Place and Voice in the Parliament of this Realm, though Resident and Dwelling in *England* or elsewhere, shall be lyable to all publick Payments and Charges, which shall be Taxed or Assessed in any Parliament, to be Assembled in this Kingdom, or by Authority thereof; and shall from time to time, Contribute thereunto, and pay their Ratable parts thereof, in such manner, as others of their Rank, Resident in this Kingdom, are lyable unto and shall pay.

## Oaths.

3<sup>rd</sup> & 4. Gul. I.  
& Mar.  
Cap. 2. En.  
2. Eliz.  
Cap. 1.



**T**A T. 3, & 4. Gul. & Mar. Cap. 2. Engl. No person whatsoever, Residing in *Ireland*, shall be obliged to take the Oath of Supremacy, by virtue of the Statute 2. Eliz.. But that Statute and every other Statute for so much only as concerns the said Oath, shall be and are hereby Repealed.

II. The Oaths required to be taken after the First day of *January*, 1691, shall be taken by the persons herein and hereafter mentioned, and by every such other person and persons (as were appointed and required by the said Act, or any other Statute made in *Ireland*, to take the said Abrogated Oath) before such person or persons, and in such Court as hereafter in this Act is expressed, (That is to say) All and every Arch-Bishop and Bishop of the Realm of *Ireland*, and all and every person of or above the Degree of a Baron of Parliament there, and all others Residing within the said Realm, having any Promotion, Office or Employment Ecclesiastical, Civil or Military, or receiving any Pay, Salary, Fee or Wages, by reason of any Grant from the Crown; or being Master, Governor, Head or Fellow of the College or University of *Dublin*, or Master of any Hospital or School, or Barrister at Law, Clerk in Chancery, Attorney or Professor of Law, Physick or other Science, that shall Reside within the City of *Dublin*, or within 30 Miles of the same, on the First day of *Hilary* Term next, or at any time during the Term, in the Court of Chancery in that Kingdom, or King's Bench there in open Court, between the Hours of 9 and 12 in the Forenoon; and all the said persons Inhabiting at a greater Distance from the said City, at the General Quarter-Sessions where they Reside, between the said Hours of 9 and 12, before the 25th day of *July* next:

And

And shall likewise make Subscribe and Audibly Repeat the Declaration herein and hereafter mentioned; all which shall be put on Record in the said respective Courts, paying to the Clerk for Recording thereof, 1 shilling and no more. And all Arch-Bishops, Bishops, and others having any Ecclesiastical Promotion, or being a Lecturer or Curate any where, Neglecting or Refusing so to do, shall be *Ipsò facto* Deprived, and be Incapable to be Lecturer or Curate any where; and others having any Office, or Receiving any Pay, Salary, &c. as aforesaid, or being Master, Governor, &c. and all others aforesigned, Neglecting or Refusing so to do, shall be *Ipsò facto* Adjudged Incapable to Injoy any such Office, Pay, Salary, &c. Mastership, Governors Place, &c. or any Matter or Thing aforesaid of Profit or Advantage appertaining to them or any of them, and every such Office and Place shall be Adjudged void.

III. Barristers at Law, Attorneys, Clerks, and Officers in Chancery, and other Courts, and their Deputies, or that shall practise as such in *Ireland*, after the Last day of *Hillary Term* next, shall take the said Oaths and make and subscribe the said Declaration, in the King's Bench at *Dublin*, in open Court, in Term time, between the hours aforesaid, to be Recorded as aforesaid, before he shall be Admitted to Exercize any Place or Office, or to Practise or Plead in any Court of Law or Equity, or any other Court of Record or not of Record. And all persons that shall, after the First day of *March* next, be Admitted into any Office or Employment, Ecclesiastical or Civil, or come into any Capacity, by reason of which they should have been obliged to take the said Abrogated Oath, mentioned in the Act aforesaid, shall take the said Oaths and make and subscribe the said Declaration hereby appointed and hereafter expressed, at such times and before such persons, as they should or ought to have taken the said former Oath, by virtue of the said Act, in case the same had not been Abrogated as aforesaid.

IV. After the Last day of *January* next, no person that is or shall be a Peer of the Realm of *Ireland*, or Member of the House of Peers there, shall Vote or make his Proxy in the said House of Peers, or Sit there, during any Debate in the said House, nor any person that after that day, shall be a Member of the House of Commons, shall be Capable to Vote in the said House, or Sit there during any Debate in the same, after their Speaker is Chosen, until he first take the Oaths herein and hereafter mentioned and expressed, and make, subscribe, and Audibly Repeat this Declaration following.

**I**A. B. Do Solemnly and Sincerely in the Presence of God, Profess, Testifie and Declare, that I do Believe, that in the Sacrament of the Lord's Supper, there is not any Transubstantiation of the Elements of Bread and Wine, into the Body and Blood of Christ, at or after the Consecration thereof, by any person whatsoever: And that

that the Invocation and Adoration of the Virgin Mary or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are Superstitious and Idolatrous. And I do Solemnly, in the Presence of God, Profess, Testify and Declare, That I do make this Declaration and every part thereof, in the plain and ordinary Sense of the Words Read unto me, as they are commonly understood by Protestants, without any Evasion, Equivocation or Mental Reservation whatsoever, and without any Dispensation already Granted me for this purpose, by the Pope or any other Authority or Person whatsoever, or without Dispensation from any Person or Authority whatsoever, or without believing that I am or can be Acquitted before God or Man, or Absolved of this Declaration or any part thereof, although the Pope or any other Person or Persons or Power whatsoever should Dispense with or Annul the same; or Declare that it was Null and Void from the beginning.

V. Which said Oaths shall in the next, and every Succeeding Parliament to be held in *Ireland*, be Solemnly and Publickly made and subscribed, betwixt the Hours of 9 in the Morning and 4 in the Afternoon, by every such Peer and Member of the House of Peers there, at the Table in the middle of the said House, before he take his Place in the said House of Peers, and whilst a full House is there present, and their Speaker in his Place: And by every such Member of the House of Commons at the Table, in the middle of the said House, and whilst a full House of Commons is there duly Sitting with their Speaker in his Chair, and that the same be done in either House, in such like Order and Method as whereby each House is called over respectively, and during which time all Business and Debates, in either House respectively shall cease, and the Clerk of such House respectively is to Record the same, in Rolls prepared for that purpose, taking of every Member of either House 1 shilling and no more.

VI. Peers of *Ireland*, and Members of the House of Peers, and Members of the House of Commons, Barristers at Law, Attornies, Clerks or Officers in Chancery or any other Court, and Deputies in any Office whatsoever, Offending contrary to this Act, shall be Disabled to Hold or Execute any Office or Place of Profit or Trust, Ecclesiastical, Civil or Military, in any of Their Majesties Realms of *Ireland* or *England*, or Dominion of *Wales* or Town of *Berwick upon Tweed*, or in any of Their Islands or Foreign Plantations to the said Realms belonging; and shall be Disabled from thenceforth, to Sit or Vote in either House of Parliament of the said Realm of *Ireland*, or make a Proxy in the House of Peers there, or to Sue at Law or in Equity, or to be Guardian to any Child, or Executor or Administrator of any person, or to take any Legacy or Deed of Gift: and shall Forfeit for every willful Offence against this Act, the Sum of 500 pounds, to be Recovered by him, her or them that will Sue for the same in any of Their Majesties Courts

Courts of Record at Dublin, by Bill, Plaintiff, &c. wherein no Essoin, &c. shall be allowed.

VII. The Oaths intended and required to be taken by this Act, are these following, viz.

**I** A. B. Do Sincerely Promise and Swear, that I will be Faithful and Bear true Allegiance to Their Majesties King William and Queen Mary.

So help me God.

**I** A. B. Do Swear, that I do from my Heart, Abhor, Detest and Abjure as Impious and Heretical, that damnable Doctrine and Position, That Princes Excommunicated or Deprived by the Pope, or any Authority of the See of Rome, may be Deposited or Murdered by their Subjects or any other whatsoever: And I do Declare, that no Foreign Prince, Person, Prelate, State or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Pre-eminence or Authority, Ecclesiastical or Spiritual within this Realm.

So help me God.

VIII. This Act shall not extend to any person now Chaplain, Secretary or Attendant to any of Their Majesties Ambassadors, Envoys, Ministers or Residents in any Foreign Courts, or Preacher to any English Factory, or to any Chaplains in Their Majesties Service, by Sea or Land, out of the Kingdom of Ireland, so as they take the Oaths and make and subscribe the said Declaration hereby required, within 3 months after their Return, nor to any other person of the Protestant Religion, now in Office or Place of Trust or Profit out of Ireland or England, who shall Return into Ireland, and take the same before the 25<sup>th</sup> day of December, 1692. in the King's Bench there, the next Term after their Arrival in that Kingdom.

IX. Nothing in this Act shall extend to the taking away the Office of Vice-Treasurer of Ireland, from William Harbord, Esquire, now Employed by Their Majesties, as Their Ambassador Extraordinary, to Mediate a Peace between the Christians and the Turks, but that he shall have Liberty to take the said Oaths and subscribe the said Declaration, at any time within 2 months after his Return into Ireland.

X. Every Arch-Bishop and Bishop in Ireland, and others having any Ecclesiastical Office or Promotion, or being a Lecturer or Curate there, that shall be in England the First day of Hillary Term, 1691. shall take the said Oaths, and make and subscribe the said Declaration, before the end of the said Term, in the Chancery or Court of King's Bench in England, and again before the 25<sup>th</sup> day of July, 1692. in the Chancery or Court of King's Bench in Ireland, as aforesaid: And if they Neglect or Refuse so to do, they shall be Deprived *Ipsa factio* of their Ecclesiastical Dignities, and Promotions, and become Incapable to be Lecturers or Curates any where; and all other the persons afore-mentioned, that shall be in this Realm, on the First day of the said Hillary Term, shall before the end of the said Term,

## Oaths.

take the said Oaths and subscribe the said Declaration, in the Chancery or King's Bench in *England*, or else they shall be *Ipsa facta* thenceforth Adjudged Incapable and Disabled, to Hold and Enjoy such Office, Pay, Salary, Employment, &c. or any part of them. And the taking the said Oaths, &c. in *England*, shall be as effectual as if they had been then Resident in *Ireland*, and had taken the said Oaths, &c. there.

XI. This Act shall not extend to Disable any person or persons, who on the Third day of *October*, 1691. were Inhabiting or Residing in *Limerick*, or any other Garrison, then in the Possession of the Irish, or any Officers or Soldiers then in Arms, by virtue of any Commission of the late King *James*, or those Authorized by him to Grant the same, in the several Counties of *Limerick*, *Clare*, *Kerry*, *Cork*, and *Mayo*, or any of them; or any Commissioned Officers then in Their Majesties Quarters, that did belong to the Irish Regiments, then in Being, or were then Treated with, or who were not Prisoners of War, and who had not then taken Protection, and have since Submitted to Their Majesties Obedience, from using their Profession or Calling of Barrister at Law, Clerk in Chancery, Attorney or Practiser of Law or Physick, but that they may freely use and practise the same, as they did in the Reign of the late King *Charles* the Second.

XII. Provided that every such Barrister at Law, Clerk, &c. to be Exempted from taking the Oaths, &c. shall make out his Claim thereunto, according to the respective Qualifications herein before expressed, before the Court of King's Bench in *Ireland*, in open Court there, in Term time, between the Hours aforesaid, before the Last day of *Michaelmas* Term next, to be there Allowed and Recorded, for the Entry whereof 1 shilling to be paid and no more, and in Default of such Claim made to be excluded from the same.

XIII. If any person, before he has taken the said Oath, to be faithful to Their Majesties, in the Court of King's Bench in *Ireland*, or at the General Quarter-Sessions in that Place where he inhabits, and procured the same to be recorded, and obtained a Certificate thereof, shall practise his Calling or Profession, he shall forfeit the Sum of 500 pounds, to such person as will Sue for the same, in any of their Majesties Courts of Record in *Ireland*, by Action of Debt, Bill, &c. wherein no Eſſoin, &c. shall be allowed; and the Person also to be Adjudged incapable to use or exercise such Profession or Calling.

XIV. Two or more Justices of the Peace whereof one to be of the *Quorum*, within any County, City or Corporate Town in *Ireland*, are required to direct their Warrant or Warrants to any Constable Tything-man, Head-borough, or other Officer, to Summon any Person of the Age of 18 Years or upwards, to appear before such Justices, to take the Oath before

before mentioned ; and for want of Appearance (having no lawful Impediment) or Appear ing, shall Refuse to take the said Oath, being tendred to him or her by the said Justices, then they may Commit such Person to the Common Goal or House of Correction for 3 Months (without Bail) unless such Offender shall pay down to the Justices such Sum of Money, not exceeding 40 shillings, as the said Justices shall require ; which Money shall be paid to the Church-Wardens or Overseers of the Poor of such Parish or Place where such Offender did last Inhabit ; and after three months ended after such Default or Refusal, Two or more such Justices shall direct their Warrant as aforesaid, to Summon such Offender to appear before them, to take the said Oath, and for want of Appearance, or in case of Refusal to take the said Oath, to be Committed as aforesaid, for 6 Months, unless the Offender shall pay down such Sum of Money, not exceeding 10 Pounds, nor under 5 pounds, as the said Justices shall require, to be disposed off to the Relief of the Poor as aforesaid ; and the Offender to be bound with Two sufficient Sureties, with Condition to Appear at the next Assizes or General Goal-Delivery for the County, where the Offender shall Inhabit or Reside, and in the mean time to be of the Good Behaviour ; at which Assizes or Goal-Delivery, the Oath shall be Tendred to the said Offender by the Justice of Assize, &c. in their open Assizes or Sessions ; and if the Offender shall refuse to take the said Oath, he shall incur the Penalty of *Premunire*, unless such Offender be a *Feme Covert*, who upon such Refusal, shall be Committed by the said Justices of Assizes, in their open Assize to the Common Goal, there to remain without Bail, till she will take the said Oath.

XV. It shall be sufficient for the *Quakers*, of *Ireland*, producing a Certificate, under the Hands and Seals of 6 or more sufficient Men of the Congregation to which they belong, owning him or her for one of them, to make and subscribe the following Declaration, *viz.*

**I** A. B. Do sincerely promise and solemnly declare before God and the World, that I will be true and faithful to King William and Queen Mary.

And I do solemnly profess and declare, that I do from my Heart, Abhor, Detest and Renounce as Impious and Heretical, that damnable Doctrine and Position, that Princes Excommunicated or Deprived by the Pope, or any Authority of the See of Rome, may be Deposited or Murdered by their Subjects, or any other whatsoever : And I do Declare that no Foreign Prince, Person, Prelate, State or Potentate hath, or ought to have any Power, Jurisdiction, Superiority, Pre-eminence or Authority Ecclesiastical or Spiritual within this Realm.

And every such subscribing Dissenter shall be Exempted from the Penalties mentioned in this Act.

## Officers and Offices.

XVI. But no *Quaker* shall be thereby Capable of holding any Office, Employment, Place, Pay, &c. whereunto any person taking the Oaths, &c. shall or may be Intituled.

XVII. This Act shall not be Dispensed with by any Warrant or Letters Patents under the Great Seal of *England* or *Ireland*, but such Dispensations shall be null and void.

### Officers, and Offices.

I. Stat. 25. H. 6. Cap. 1. The King's Officers, and Ministers may pass from one Place to another in *Ireland* by Sea, as oft as they please, about their business, and Return again without danger of Forfeiting their Offices.

II. And if they are taken at Sea, at their Return they they may have and enjoy their Offices, without any Sute, to be made therefore.

III. Stat. 25. H. 6. Cap. 2. If by Commandment of the King's Lieutenant, Deputy, Justices, or the King's Council in *Ireland*, any of the King's Subjects or Officers be out of the said Land, their Lands, Benefices or Offices shall not be Seized into the King's Hands, nor their Offices void.

IV. And if any of the said Officers be taken by Pirates or others, yet at their Return, they may occupy their said Offices, notwithstanding any Grant or Gift made of the same in their Absence ; and if any be made it shall be void.

V. Stat. 7. E. 4. Cap. 1. The Office of the Lieutenant or his Deputy of this Land of *Ireland*, shall not be void if he pass out of this Land into any Island near the same and return again, but his Authority in his said Office shall stand in Force.

VI. Stat. 10. H. 7. Cap. 2. The Chancellor, Treasurer, Judges of the King's Bench and Common Pleas, the Chief and Secondary Baron of the Exchequer, the Clerk or Master of the Rolls, and all manner of Officers Accomptants, shall have the Patents of their Offices but during the King's Pleasure ; and all Grants to the contrary shall be void.

7 Jac. I.  
Cap. 5 En.  
Ve Moo.  
Rep.f.845.  
pl. 1141.  
Co. Lit. fo.  
283. a Cr.  
Car.f. 175.  
285, 467.  
1 Rol. fo.  
174 pl. 49. & 275 Noy. Rep. f. 32. Vaugh. Rep. fo. 113. 115. & 117. Co 4.  
Injt.f. 175.

VII. Stat. 10. Car. 1. Seff. 2. Cap. 16. If any Action upon the Case, Trespass, Battery or false Imprisonment, shall be brought against any Justice of the Peace, Mayor or Bailiff of City or Town Corporate, Headborough, Portriff, Constable, Tything-man, Overseer of the Poor, Collector of Subsidy or Fifteens, Church-Wardens, or any other Officers and their Deputies, for any Thing done by vertue of their Offices, both they and all their Assistants may plead the General Issue, *Not Guilty*, and give the special Matter in Evidence to the Jury which shall Try the same.

21. Jac. I.  
Cap. 12. to the Jury, that the Cause of Action did arise within the Engl. County wherein the same shall be laid, then in such Case, the Jury

Jury shall find the Defendant not Guilty, without having Regard to any Evidence given by the Plaintiff therein, touching the cause of Action.

IX. And if the Verdict pass for the Defendant or the Plaintiff be Non-Suite, or discontinue the Action, in every such Case, the Defendant shall have double Costs; to be Recovered as Costs in other Cases given to the Defendant, use to be Recovered.

X. Stat. 10. &c. 11. Cap. 1. Sess. 4. Cap. 3. All Arch-Bishops, Bishops, Deans, Deans and Chapters, Arch-Deacons, Prelatinies and other Dignitaries Ecclesiastical, and likewise Masters and Governours, and Fellows of Colleges and Hospitals, may Grant any Ancient Office, concerning their or any of their Land or other their Possessions, or concerning the Attendance upon their Persons or Churches, together with all and every the like Pensions, Annuities, Fees and other Profits, as were formerly Accustomed to be Granted, Had and Enjoyed therewith.

## Ordinance.

I. Stat. 10. H. 7. Cap. 12. None (without the Lieutenant or his Deputies Licence) shall keep in his House, Garrison or Place, any Ordinance, in pain to Forfeit to the King, 20 pounds every time he Offends; to be Levyed on their Lands, Goods and Chattels.

## Out-Lawries and Attainders

I. Stat. 9. Gul. 3. Sess. 1. Cap. 30. All and every the Convictions, Out-Lawries and Attainders in this Kingdom, of any persons for High-Treason or Rebellion by them committed or done, not Reversed or Pardon before the 27th day of July, 1697. (other than the Convictions, &c. of persons already Adjudged to be comprehended within the Articles of Limerick or Galway, or either of them, who have not yet Reversed their Out-Lawries and Attainders, or other than the Out-Lawries, &c. of such who within the space of Two years, to be Accompted from the First day of September, 1697. shall be Adjudged to be Comprehended within the said Articles or any of them) shall remain sufficient in Law to all Intents and Purposes, any Error in Form or Matter in them to the contrary notwithstanding: And no Judgment upon any Writ of Error or Plea, or Pardon from the King, his Heirs or Successors, shall any wise Operate to the Invalidating of the same, except such as are herein before excepted.

II. And all Papists or so Reputed, that have been guilty of the said Rebellion in this Kingdom, against the King and Her late Majesty the Queen; and who by any Inquisition already taken and Returned (or that shall be Taken and Returned within the space of 2 years from the First day of September 1697.)

## Out-Lawries and Attainders.

1697.) have or shall be found to have Dyed or been Slain in their Actual Rebellion, before the Third day of October, 1691. shall be Convicted and Attainted of High-Treason, and Incur the Penalties and Forfeitures as Traytors Attainted in Cases of High Treason ought to suffer and undergo.

III. And wheresoever any such Papists heretofore have been found to have been Slain or to have Dyed in the said Rebellion, before the said Third day of October, by Inquisition taken as aforesaid, that they have committed such Rebellion and Treason, such Papists so found, shall at all times hereafter be Adjudged Traytors Attainted, and to have Incurred all such Penalties and Forfeitures of Estates Real and Personal, from the time of such Inquisition so found, as if they had been Attainted thereof by Judgment upon Verdict or Out-Lawry.

IV. But nothing in this Act contained (as for and concerning the Forfeiture of such Papists that Dyed or were Slain in actual Rebellion before the Third day of October, 1691.) shall extend to the prejudice of any Protestants, or Professing to be so, before the Tenth day of April, 1689. who hath continued so to this time, or till the time of their Death, Claiming or Deriving any Titles of Honour by immediate Descent from such Papists as aforesaid, or who have or had any Estates Real or Personal by Descent or Purchase *Bona fide* made, or who have any Real Incumbrances on their Estates for valuable Considerations, from or by such Dead or Slain in Rebellion, or from their Heirs, Executors, Administrators or Assigns, at any time since the Treason Committed and before the Sixth day of June, 1697. But that such Protestants shall and may Hold and Enjoy, all Titles of Honour come to them as aforesaid, as also all the Rights and Titles by Descent, Purchase or real Incumbrance from or by them as aforesaid.

V. And the Lord Chancellor, Lord Keeper or Commissioners of the Great Seal of this Kingdom, at any time within Two years from the First day of September, 1697. may Issue out Commissions into all or any the Counties of this Kingdom, to the Escheators of the same, or their Deputies lawfully Authorized, or to such others as it shall be meet to appoint Commissioners, (whereof one of the Judges of the King's Bench or Common-Pleas, or one of the Barons of the Exchequer, to be always One) to Inquire, by the Oaths of Twelve good and lawful Men or more of the Counties, what Papists have Dyed or were Slain in the said Rebellion, before the Third day of October, 1691. and what Estates, Real or Personal they were Seised or Possessed of, in Use, Trust, Possession, Reversion or Remainder in such County (where such Inquiry shall be made and such Commission Executed) at the time of the Committal of such Rebellion or Treason, or at any time after the same; in every of which Commissions there shall be a Clause inserted, requiring the Commissioners to give publick Notice in the Chief

Chief Town of each County of the time and place appointed for the Execution thereof, 20 days at least before the same shall be Executed.

VI. And it shall be lawful for any Claiming as Heir General, or as Heir or Issue in Tail, or as Executor, Administrator or Assignee, to whom the Titles of Honour or the Estate Real or Personal of the person so found to have Dyed or to have been Kill'd in Rebellion, could have come (but for the Inquisition aforesaid found or to be found) and for any others who shall be Agrieved by such Inquisition, to put in their Traverse to any matter or thing contained therein, within one year next after the First day of December, 1697. or within one year next after the Returning and Filing of Record such Inquisition, at their Election : And if the Traverse shall be Tryed, and the Jury shall find contrary to the Inquisition, then in such Case the same shall become void, and the said Traversers shall Enjoy their Titles of Honour and be Restored and put into Possession of such Estate Real and Personal, as would to them have descended or come by course of Law, in the same manner as if the Inquisition had not been found.

VII. And if the Verdict shall be given against the Traverse, upon any Plea of Traverse as aforesaid, or if Judgment pass against such Traverser, or he shall not Try the same within one year after the Filing thereof, then the said Inquisition and finding shall at all times after remain Firm and Valid.

VIII. The Right and Title of Women *Couert de Baron*, Infants within the Age of 21 years, Persons in Prison or out of this Realm (elsewhere than in the Dominions of the French King in Europe) and persons *Non sene Memory*, is Reserved to them and their Executors and Administrators, unto the time that such Impediments be Removed and Cease, and then they may take and pursue their Traverses within one year after.

IX. And if the said persons (after the said Impediments Removed) they, their Heirs, Executors, Administrators or Assigns, do not take their Traverses within one year next after as aforesaid, then they, their Heirs, &c. shall be concluded by the said Inquisition and Finding.

X. If any (being the King's Subjects) who have gone out of this Kingdom, at any time since the Tenth day of April, 1689. during the late War with France, into France, or any of the French King's Dominions in Europe (other than such as have gone thither by the King's particular License or Command) shall from and after the 23d day of October, 1697. voluntarily come or return from thence into this Kingdom, without the King, His Heirs or Successors Licence or Leave, under the Great Seal of this Kingdom (and that also subject to the Restrictions and Limitations hereafter mentioned and expressed) for that purpose had and obtained, and be thereof Convict'd according to Law; every person so Offending, shall be Adjudg-ed

ed to be guilty of High-Treason, and shall suffer such Penalties, as in Cases of High-Treason, and may be Indicted and Tryed for the same, in such County of this Realm as the King, His Heirs and Successors, by Commission under the Great Seal of this Kingdom, shall appoint.

XI. And that no License as aforesaid, shall be good and valid to any such persons, wherein their true Name and Sir-name, and Place of Abode ( where they Resided or Dwelt in Ireland when they Dwelt or Resided here ) is not mentioned and expressed : And that no License as aforesaid, shall be valid and effectual, to any more persons therein contained, than the three first Named ( in Case there shall be more than Three Named ) in one License.

XII. And that before such License shall pass the Great Seal of this Kingdom, the Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal of this Kingdom, are to take sufficient Security by Recognizance for any Sum, not under 100 pounds, to be forthwith Filed of Record in the Chancery of this Kingdom : That each person so to be Licensed as aforesaid, shall Annually pay during his Residence and Abode in this Kingdom, to the Bishop of the Diocese where such person shall Reside, whilst in this Kingdom, the sum of 40 Shillings, for the Benefit and Advantage of such School or Schools as the Bishop shall think most in want of Maintenance in his Diocese. And upon failure of payment, the said Bishop may Prosecute and Recover the said Sum in the said Recognizance mentioned, and shall lay out and Dispose of the same, with the Approbation of the Lord Chancellor, Lord Keeper, &c. for the Benefit and Advantage of such School or Schools in the said Diocese.

XIII. All and every the King's Subjects who at any time since the Third day of October, 1691. have Returned as aforesaid, shall on or before the First day of May, 1698, surrender themselves to some one of the Judges of the Court of King's Bench or Commons-Pleas, or to some one of the Barons of the Exchequer, and being of the Age of 16 years, take the Oath mentioned in an Act made in England, in the Third year of King and the late Queen Mary, Intituled, *An Act for the Abrogating the Oath of Supremacy in Ireland, and Appointing other Oaths.* ( Which see here before in Tit. *Oaths.* §. 1. &c.) and enter into Recognizance with sufficient Sureties for their good Behaviour for one year thence to come, which shall be Returned into the King's Bench, within Three months next after they are taken, ( or shall enter into such Security as the said Judges or Barons shall think fit to require ) that he, she or they ( unless Licensed as aforesaid, to continue here ) shall within 20 days depart this Kingdom, and not return into the same, without such Licenses as aforesaid.

XIV. And in Case of Neglect or Refusal to Surrender themselves, and to take the Oaths, and give Security for their good Behaviour,

Behaviour, or that shall not depart this Kingdom accordingly, every such Offender shall Incur a *Premunire*; and every person Returning without such License as aforesaid, shall Incur the Penalty of High-Treason, and may be Indicted for the same, in such County of this Kingdom, as the King, by his Commission under the Great Seal of this Kingdom shall appoint.

XV. All the Estates, Rights and Titles in Law or Equity, *This Clause* in or to any Lands of any Protestants, on or before the 27th is declared day of *July*, 1697, and who have continued so from that time to be Mi-  
hitherto, or till the time of their Death, shall remain of such *staken*, See Force in Law or Equity, and no other than as if this Act had afterward not been made.

§. 31.

XVI. Nothing in this Act shall extend to Confirm the Out-Lawry or Out-Lawries of *James Earl of Tyrone*, by the Name of *James Power of Curraghmore* in the County of Waterford, Esq; but that the same shall be liable to such Order for the Reversal thereof, as the King shall please to Declare touching the same,

XVII. Nor shall it extend to the prejudice of *Thomas Lord Baron of Kerry*, and *John Lord Baron of Kingston*, but that they and each of them are declared to be excepted out of this Act.

XVIII. Nor extend to Attaint *Mattew Plunket*, Esq; commonly called *Lord Lowtb*, who died during the late Rebellion in this Kingdom, before the Third day of *October*, 1691.

XIX. Nor to Confirm the Out-Lawry or Attainder of *Edward Keating of Narramore*, in the County of *Kildare*, Esq; nor to Abridge or Restraine the King's Power of Pardoning him, both as to Life and Estate.

XX. Nor to Confirm the Out-Lawry or Out-Lawries, Attainder or Attainders of *Sir John Bellew*, Kt. late *Lord Bellew Baron Duleeke*, Father of *Richard Bellew*, Esq; *Charles Lord Baltimore*, and *Robert Fielding*, Esq; or either of them, for any Crimes Committed by them since the Fifth day of *November*, 1688, but that the same shall be lyable to such Order for the Reversal thereof as the King shall please to Declare concerning the same.

XXI. Nor shall this Act extend to Attaint or Convict of High-Treason, *Nicholas late Earl of Carlingford*, or his Brother *James Traife*, Esq; or Vest in, or Forfeit to the King, His Heirs or Successors, any Estate or Right of theirs in Law or Equity whatsoever.

XXII. Nor to Confirm the Out-Lawry or Attainder of *Nicolas French of Abbart*, in the County of *Gallway*, Esq; for any Crime Committed by him since the Fifth day of *November*, 1688, but that the same shall be lyable to Reversal as aforesaid, as the King shall Declare.

XXIII. Nor shall this Act extend to Confirm the several Out-Lawries and Attainders of *Edward Lord Baron of Athen-*

## Out-Lawries and Attainders.

*ree, and Lieutenant Colonel John Kelly, or either of them, for any Crime or Crimes Committed by them or either of them, since the day aforesaid, but that the same shall be lyable to Reversal as aforesaid.*

**XXIV.** Nor to Attaint *Richard late Earl of Tyrone, Theobald, late Lord Viscount Dillon, and Nicholas late Lord Viscount Nettervil, who Dyed during the late Rebellion in this Kingdom, before the Third day of October, 1691, or any of them.*

**XXV.** Nor to Confirm the Attainders or Out-Lawry of *Edward Geoghegan, of Castle Town Kindaleen, in the County of Westmeath, Esq; or to Obstruct the King's Gracious Intentions, for the Reversal thereof.*

**XXVI.** Nothing in this Act shall extend to Abridge or Restraine the King's Power of Pardoning any person Attainted of High-Treason by Out-Lawry or otherwise, so as to save their Lives only.

**XXVII.** Nor to Confirm the Out-Lawry or Attainer of *Patrick Sarsfield the Elder, late of Lucan, Esq; deceased, but that the same may be Capable of Reversal, as if this Act had never been made.*

**XXVIII.** Nor to Confirm the Out-Lawries or Attainders of *Henry Crofton of Longford in the County of Sligoe, but that the same may be Capable of Reversal as aforesaid.*

**XXIX.** Nor to extend to Confirm the Out-Lawries or Attainders of *Barnaby, late Baron of Upper Ossory, but that the same may be Capable of Reversal as aforesaid.*

**XXX.** Nor to Confirm the Out-Lawry or Out-Lawries, Attainer or Attainders of *Thomas Nugent of Streamstown, in the County of Westmeath, Gent. alias Thomas Nugent of London, Merchant, alias Thomas Nugent of Montserrat in America, Merchant, but that he, his Heirs, Executors and Administrators, may have like Benefit to all Intents for Reversing the same, as if this Act had never been made.*

**XXXI.** Stat. 10. Gul. 3. Sejj. 2. Cap. 16. The 27<sup>th</sup> of July, 1697, mentioned here before (§. 15.) is declared by this Act to be a Mistake, and that it should be the 27<sup>th</sup> day of July, 1689, and it's Enacted by this Statute, that the said Clause in the said former Act, shall always hereafter, be Construed and understood in the same manner, as if the said Words in the said Act, had been the 27<sup>th</sup> day of July, 1689, in stead of the 27<sup>th</sup> day of July, 1697. And that the said Clause in the said former Act, shall not extend to Save or Confirm any Estate, Right, Title, or Interest, either in Law or Equity, of any Person or Persons of the Protestant Religion, in or to any Lands, &c. that did not Profess themselves of the Protestant Religion, on or before the 27<sup>th</sup> day of July, 1689, and have also continued so from that time hitherto, or till the time of his or their Death.

## Papists.

I. **S**TAT. 7. Gul. 3. Sess. 1. Cap. 5. All Papists within this Kingdom of Ireland, before the First day of March next ensuing, shall Discover and Deliver up to some Justice or Justices of the Peace or to the Head Officer of the County, City, Town Corporate or Place where they Dwell or Reside, all their Arms, Armour and Ammunition, of what kind soever in their Hands or Possession, or any in Trust for them, or at their Disposition; notwithstanding any License for keeping the same, before Granted: And after that time any Two or more Justices of the Peace, within their respective Limits, and all Mayors, Sheriffs and Chief Officers of Cities, &c. in their Liberties, by themselves or their Warrants, under their Hands and Seals, may Search for, Seize or cause to be Searched for and Seized, and take into their Custody, all such Arms, &c. as shall be Concealed in any House, Lodging or other Places, where they suspect any such to be, and the same so Taken or Seized on Search or otherwise as aforesaid, shall by the Receivers, Takers and Seizers, be Preserved for the use of the King, His Heirs and Successors; and the said persons shall Return a true particular thereof to the Lord Deputy, &c. or other Chief Governours of this Realm, to the end the same may be brought into the King's Stores of War, or be Disposed of as he or they shall think fit.

II. But no such Searches are to be made, save only between the Rising and Setting of the Sun (other than in Cities and their Suburbs, Towns Corporate, Market Towns and Houses there, if thought necessary, and the Warrants for that purpose do so direct and appoint) And in Case such Justices, Mayor, &c. after such Search made, shall find cause to Suspect, that any Arms, &c. remain Concealed and not Seized as aforesaid, they may cause such Concealers whom they suspect, to be brought before them, and to be Examined upon Oath.

III. And every Papist who shall have or keep any such Arms, &c. who shall not Discover and Deliver up the same by the time aforesaid; and all persons unwittingly or willingly, having any to their Use or in Trust for them, and all those, who upon Demand or Search made as aforesaid, shall Refuse to Declare to the Justice or Justices, Mayor, &c. or other Persons Authorized and Impowered for Seizing and Searching for all such Arms, &c. they or any other to their knowledge or with their privity have, or shall hinder or disturb the Delivery thereof, to any of the said Justices of Peace, or any other Persons Authorized by Warrant as aforesaid, to search for, seize and take the same, and all others who shall Refuse to make Discovery upon Oath (to be Administred by such Justices of the Peace, Mayor, &c. concerning the premisses as aforesaid) or being Summoned by Warrant under the Hands of Two or more Justices of the

1. Gul. 3.  
Mar. Sess.  
1. Cap. 15.  
Engl.

Peace (whereof Notice in Writing is to be given them, or left at their usual place of Abode, shall (without reasonable Cause) Refuse or Neglect to Appear before them, to be Examined as aforesaid ; every such Offender, shall Forfeit (if a Peer or Peereſ of this Realm) for the First Offence, 100 pounds Sterl. and for the Second Incur a Premunire, and being therof Convicted, shall suffer Punishment accordingly ; and Offenders (under that Degree) for the First Offence (being thereof lawfully Convicted, upon any Information or Indictment) to be Exhibited at the Assizes or General Quarter-Sessions of the Peace, to be Held for the County (where the Offence shall be Committed) shall Forfeit 30 pounds, and suffer Imprisonment (by Order of such Justices where such Conviction is) without Bail for one year ; and from thence forward till the Offender pay the Penalty aforesaid ; and for the Second Offence (being Convicted of the First) to Incur all the Pains and Penalties of Persons Attainted in a Premunire, the said Penalties so to be Forfeited as aforesaid, by such Peer or Peereſ, to be Recovered by Action of Debt, &c. in any of the King's Courts of Record, in which no Esſoin, &c. shall be allowed, one Moyety thereof to go to the use of the King, His Heirs and Successors, and the other Moyety to such person or persons who will Sue for the fame.

IV. But this Act shall not extend to hinder any Nobleman or Gentleman from keeping a Sword and a Case of Pistols and a Gun, for the Defence of his House, or for Fowling, so as before the First day of March, 1695. he make proof (to the satisfaction of the Lord Lieutenant, &c. and Privy Council of this Kingdom) that he upon the 3d day of October, 1691. was an Inhabitant of Limerick, or some Garrison then in the Possession of the Irish, or was then some Officer or Soldier in Arms under a Commission of the late King James, or those Authorized under him to Grant the same, in the Counties of Limerick, Clare, Cork or Mayo, or under their Protection in the said Counties, or was then a Commissioned Officer in the King's Quarters belonging to the Irish Regiments, (then in being) which were Treated with, not then being a Prisoner of War, nor having before that time taken Protection, and that he has since Submitted to the King's Obedience as aforesaid, and that he was upon the said 3d day of October, in this Kingdom ; and so as such Nobleman or Gentleman hath not any time since that day (upon Tender to him) Refused to take the Oath of Allegiance required to be taken, by an Act of Parliament in England, made in the First year of the King and the late Queen Mary ; and shall take the said Oath, when he shall be thereunto required, or shall prove as aforesaid, that he was upon the 21st day of July, 1691. a Gentleman of Estate, then belonging to the Town and Garrison of Galway, But that such Nobleman and Gentleman so making Proof, and being Qualified as aforesaid, may keep a Sword, &c. in such manner as he might have done in case this Act had never been made.

V. Pro-

V. Provided that an Entry shall be made of such Proof, and that no Reward whatsoever, shall be taken by any person (for making such Proof or for the Entry thereof) save only 1 shilling; and none to be Convicted or Incur any Penalty for any Offence Committed contrary to this Act, upon Confession or Discovery made by them, unless the same be made out by other Proof.

VI. The Lord-Deputy, &c. and Privy Council of this Realm, may (at any time after the First day of March, 1695) by Order of Council Licence any (as he or they shall think fit) to keep such Arms as shall be particularly Expressed in such License; but nothing shall be taken for the same, save only the Sum of one shilling for the Writing thereof.

VII. And none (after the end of this Session of Parliament) using the Mystery or Art of making any Locks or Barrels for Fire-Arms, or of making Swords, Bayonets, Skeins, Knives, or other Weapons, shall take to Prentice or Instruct as a Prentice, any person of the Popish Religion, on pain of 20 pounds for every such Offence; to be Recovered by Bill, &c. in any of the King's Courts of Record, and no Essoin, &c. to be allowed, one Moyety of all such Forfeitures to be to the King, His Heirs and Successors, and the other to the Prosecutor.

VIII. And the Indenture of Apprenticeship and all Bonds and Contracts to be made on such occasion shall be void; and every such person of the Popish Religion hereafter to be put as such Apprentice, and who shall Exercise the Mystery or Art aforesaid, shall for every such Offence, Forfeit 20 pounds, to be Sued for as aforesaid: And the Justices of the Peace, Mayors, Sovereigns, &c. are required to send for all Apprentices of such persons Exercising the Art and Mystery aforesaid (whom they suspect) and shall Tender them the Oath and Declaration following, to be by them respectively taken and subscribed, viz.

I. A. B. Do *Sincerely*, &c. And so Verbatim as they are set down here before in Tit. *Oaths* §. 7. and 4.

IX. And the Refusal to take the said Oaths, or subscribe the said Declaration, shall be a Conviction (of such persons so Refusing the same) of his being Guilty, as also of the Master of such Apprentice, unless such Master prove, that such a Prentice, at the time of Entring his Service, was Known or Reputed to be of the Protestant Religion.

X. And no Papist, after the 20th day of January, 1695. shall be Capable to have or keep in his Possession, or in the Possession of any other, to his Use or at his Disposition, any Horse, Gelding or Mare, of the value of 5 pounds or more; and if any person of the Protestant Religion, shall make Discovery thereof upon Oath, to any Two Justices of the Peace, or to the Chief Magistrate of any City or Town Corporate, they may (within their respective Limits) by Warrant under their Hands and Seals, Authorize such person (with the Assistance of

the

## Papists.

the Constable or his Deputy, or such person as they shall think fit, who are to be Assisting herein) in the day time only, to Search for and Secure all such Horses : And in Case of Resistance, to break open any Door, and bring such Horse or Horses before them. And such Discoverer (being of the Protestant Religion) paying or making Tender, before such Justices, Mayor, &c. of the Sum of 5 pounds 5 shillings to the Owner or Possessor of such Horse, or to such Justice or Chief Magistrate, in their Absence (which they are to receive for the use of the Owner) after such Payment, Tender and Refusal, the property of such Horse or Horses, shall be Vested in the person making such Discovery and Tender, as if the same had been bought and sold in Market Overt ; and the said Justices, Mayor, &c. are by Warrant under their Hands and Seals, to cause such Horse or Horses to be Delivered accordingly.

XI. If any shall Conceal or be Assisting in the Concealing of any such Horse or Horses belonging to any Papist or suspected Papist, refusing to take the Oaths and subscribe the Declaration before mentioned, and being thereof duly Convicted by the Oaths of Two or more credible Witnesses, before any Justice of the Peace of the County where such Concealment shall be, the Offenders (by Warrant from the said Justice) shall be Committed to the Common Goal for 3 months without Bail, and shall Forfeit to the King, His Heirs and Successors, Treble the value of such Horse or Horses, to be Settled by the Justices of the Peace, in their General Quarter-Sessions of the Peace, in their respective Counties, who are to continue the Offenders in Prison till payment.

XII. Every person Refusing to take the Oaths and subscribe the Declaration aforesaid (when Tended to him, by any Justice or Justices of the Peace) shall be deemed and taken to be a Papist, which said Oaths and Declaration, the said Justices and Chief Magistrates are to Administer, if any such person or persons shall Deny him or themselves to be a Papist ; and if they shall take the said Oaths and subscribe the said Declaration, the said Justice or Justices of the Peace shall certify the same under their Hand, and Return the said Declaration to their next Quarter-Sessions, there to be Recorded as in such cases is usual.

XIII. And if any Justice or Justices of Peace, Mayor, &c. Neglect or Refuse to Execute any the Powers which they are required by this Act to put in Execution, every such Justice, &c. shall Forfeit for every such Offence, the Sum of 50 pounds, to be Recovered and Divided as aforesaid, and be Disabled and made Incapable (from and after such Conviction) to act as Justice of the Peace, Mayor, Sovereign, Bailiff or Chief Magistrate or Officer in any County, City or Town Corporate, in this Kingdom.

XIV. Stat. 9. Gul. 3. Sess. 1. Cap. 26. All Popish Arch-Bishops, Bishops, Vicars-General, Deans, Jesuits, Monks, Friars, and all other Regular Popish Clergy, and all Papists Exercising any Ecclesiastical Jurisdiction, shall depart this Kingdom before the First day of *May*, 1698. And if any of them, shall be at any time after the said day within this Kingdom, they shall be Imprisoned and remain there without Bail till they be Transported beyond the Seas out of the King's Dominions, wherever the King, His Heirs or Successors, or Chief Governours of this Kingdom shall think fit: And if any so Transported shall Return again into this Kingdom, then to be Guilty of High-Treason, and to suffer accordingly.

XV. And all such Popish Arch-Bishops, Bishops, &c. in this Kingdom, shall before the said First day of *May*, Repair to the City of *Dublin*, *Cork*, *Kingsale*, *Toughall*, *Waterford*, *Wexford*, *Gallway*, or *Carrickfergus*, and there remain until there shall be conveniency of Shipping for their Transportation, as aforesaid. every of them on their first coming into any of the said Cities or Towns, giving in their Names to the Mayor or other Chief Magistrate, who shall Register the same, and Return an Account thereof to the Clerk of the Council within 10 days. And the said Mayor, &c. and also the Collector and Surveyor of the Port, shall give their best Assistance in Transporting them.

XVI. And from and after the 29th Day of *December*, 1697. no Popish Arch-Bishop, &c. shall come into this Kingdom from any parts beyond the Seas, on pain of 12 Months Imprisonment, and then to be Transported in manner aforesaid; and if after such Transportation, any of them Return again into this Kingdom, they shall be guilty of High-Treason, and suffer accordingly.

XVII. And any person that shall from and after the First day of *May*, knowingly Conceal, or Entertain any such Popish Arch-Bishops, Bishops, &c. hereby required to Depart out of this Kingdom, or that after the said day shall come into this Kingdom, shall for the first Offence, Forfeit 20 pounds for the second double the Sum, and if he offend the third time, shall Forfeit all his Lands of Freehold Estate during his Life; and also all his Goods and Chattels, one Moyety to the King, His Heirs and Successors; and the other Moyety to the Informer, (so as it exceed not 100 pounds) and the Surplusage of what shall remain, to the King, His Heirs and Successors, the said Forfeitures, for such Third Offence, to be Recovered by Bill, Plaintiff, &c. in any of the King's Courts of Record at *Dublin*, or at the Assizes in the respective Counties.

XVIII. And that upon Information upon Oath to any Justice of the Peace in his respective County, against any that shall knowingly Entertain, &c. any such Popish Arch-Bishop, Bishop, &c. the said Justice of the Peace shall Immediately Issue a Summons in Writing under his Hand, requiring the

the Persons so informed against (at a certain Day and place within the said County where the Offence shall be Committed) to Appear before him and some other Justice of the Peace of the said County, to Answer the Charge, at which Time and place, they shall in presence of the Persons Accused, or in case of Default of Appearance (being duly Summoned) proceed to the Examination of the said matter; and if it shall appear to them on Evidence upon Oath, that the persons Complained of are Guilty, then the said Justices shall by Warrant under their Hands and Seals, Levy the said Forfeitures of 20 pounds for the First Offence, and 40 for the Second Offence, of the Goods and Chattels of the Offenders, by Distress, Sale or otherwise; and dispose of one Moyety thereof to the Informer, and the other Moyety to the Treasurer of the County where the Offence shall be Committed, for the use of the County, and for Default thereof, to Commit the Person Offending to the County Goal, there to remain without Bail, until payment of the said Forfeitures.

XIX. and none shall from and after the said 29th day of December, Bury any Dead, in any suppressed Monastery, Abby, or Convent, that is not made use of for Celebrating Divine Service, according to the Liturgy of the Church of Ireland by the Law Established or within the Precincts thereof upon pain of 10 pounds, to be Recovered from any that shall be present at such Buryal, which Forfeitures, all and every Justice of the Peace within his and their respective Counties, shall Hear and Determine in manner as herein before is Declared, one Moyety of which last Forfeitures shall be (by the said Justice) given to the Informer, and the other Moyety to the Minister and Churchwardens of the Parish, where any such Offences shall be Committed, to be disposed of for the use of the Parish.

XX. If any think themselves aggrieved by the Determination of such Two Justices of the Peace, they may Appeal to the next Judges of Assize, or to the Justices of the Peace at the next General Quarter-Sessions, who may Examine the matter, and give such Relief therein as to them shall seem meet.

XXI. All Justices of the Peace shall from time to time, Issue out their Warrants for Apprehending and Committal of all Arch-Bishops, Bishops, &c. and other Ecclesiastical persons that shall remain in this Kingdom contrary to the Tenor of this Act, and for Suppressing all Monasteries, Friaries, Nunneries, or other Popish Fraternities or Societies.

XXII. And they are also to give an Account in Writing of their Proceedings in the Execution of this Statute, at the next Quarter Sessions for the County in which they dwell which shall at such Quarter Sessions be Entred and Registered.

XXIII. And if any Justice of the Peace, Mayor, or other Officer, shall neglect doing their Duty, they shall for every such

such Neglect, Forfeit 100 pounds, to be Recovered by Action of Debt, &c. in which no Essoin, &c. shall be allowed; one Moyety thereof to the King, his Heirs and Successors, and the other Moyety to the Informer or Person that will Sue for the same, and be disabled for serving as a Justice of the Peace during his Life.

## Parliament.

I. Stat. 25 H. 6 Cap. 8. No Lord of Parliament shall be Amercied in Pleas Personal or Real, otherwise than another Person.

II. Stat. 3 E. 4 Cap. 1. The Lords Proctors and Commons *Viz. Moot.* of Parliament, shall be Priviledged, Discharged and Acquitted *Rep. fo. 57.* of all Actions, and shall not be impleaded, vexed nor troubled *pl. 163. fo.* by any person, coming or going to the Parliament, during *190. pl.* 40 days before or 40 days after the Parliament Finished. *461. Dyer*

*fo. 59. b. pl. 17. f. 60. a. b. & fo. 61. a. Co. 13. Rep. fo. 63, 64.*

III. Stat. 18 E. 4 Cap. 2. All Proctors, Knights, Citizens *See here* and Burgeesses, Returned for Members of Parliament, were to *after-* be Admitted as able, and Lawful, tho' such Proctors were *twards this* not Beneficed within the Diocese, nor the Knights of the *Stat. made* County were dwelling within the same, nor could Dispense *void. §. 12.* 40 shillings yearly therein, nor the Citizens were Citizens and Dwelling within the same City, nor Burgeesses for Borough Towns were dwelling within the said Towns: See here afterwards. §. 12.

IV. Stat. 10 H. 7. Cap. 4. No Parliament shall be holden in *Ireland*, but at such Time as the King's Lieutenant and Council there, do first Certify the King, under the Great Seal of that Land, the Causes and Considerations, of all such Acts as them seemeth shoulde pass in the same Parliament, and such Cases and Acts Affirmed by the King and His Council, to be good and expedient for that Land; and his Licence thereupon, as well in Affirmation of the said Causes and Acts, as to Summon the said Parliament, under his Great Seal of *England* had and obtained, that done, a Parliament to be had and holden.

V. And if any Parliament be held in that Land hereafter, contrary to the Form and Provision aforesaid, it be deemed void.

VI. Stat. 10 H. 7. Cap. 16. Every Spiritual and Temporal *By the* Lord, shall appear in their Parliament Robes, at every Parli- *Stat. 10. H.* ament held here, as the Lords of *England* do Appear at the *7. Cap. 23.* Parliaments held there; and every Lord not Appearing so, *the Parlia-* to Forfeit 100 shillings every time, to be Levyed of his Land *ment held* and Goods, in like manner as other Forfeitures be Levyed. *at Drog-* *heda be-*  
*fore Sir Robert Preston. Knight, Viscount of Gormanstown; is Repealed.*

# Parliament.

VII. Stat. 28. H. 8. Cap. 4. All Acts and Ordinances made by the Authority of this Parliament, Declared to be good and effectual, any Thing in the Act of the 10 H. 7. Cap. 4. above mentioned (held before Sr. Edward Poynings Knight) to the contrary thereof notwithstanding; provided that no Acts be now made touching any Lands, &c. for any Persons, or Bodies Politick or Corporate, or in Derogation of any Grants of the King or His Progenitors to any City or Burrough-Town in Ireland, but only such Acts as shall be thought expedient for the King's Honour, the Encrease of His Revenues, and the Common Weal of his Land.

VIII. Stat. 28. H. 8. Cap. 12. Proctors shall be no Members nor parcel of the Body of a Parliament, nor have any Voice or Assent to any Act, but the same to be good without their Assent, and they to be only as Counsellors and Assistants to a Parliament, and no Parcel or Members of the same.

IX. Stat. 28. H. 8. Cap. 20. Enacted that the Provision in the Statute of the 28. H. 8. Cap. 4. above mentioned, shall be so Taken and Expounded, That every Act made or to be made in that Parliament, which concerneth either the King's Honour or Profit, or Encrease of his Revenue, or otherwise concerneth the Common-Wealth of this His Land, shall be good in the Law, according to the Tenor of the aforesaid Act.

X. If any by way of Sute in any Court (after Notice given him of this Act, by any the Judge or Judges of such Court sitting in Judgment where such Action shall be Commenced) do Attempt to Avoid this Parliament, or any Act made to the purposes above-said (being lawfully Convicted thereof) he shall be reputed as a Felon, and every such Sute, in any Court in this Land, shall not be Allowable, but void.

XI. But this Act shall extend only to the Corroborating and making good, all Acts made or to be made from the First day of this Parliament, till the Last day of the Session thereof, that are for the King's Honour, Encrease of his Revenues, or for the Common-Wealth of this Land and none otherwife.

XII. Stat. 33. H. 8. Sess. 2 Cap. 1. The Elections mentioned in the Statute of the 18 E. 4. Cap. 2. (which see here before §. 3.) are Altered by this Act; and the Restraining of the Summoning of Parliaments in any City, Town or Place, but in Dublin or Drogbeda: And the Proroguing and Adjourning of a Parliament, over and above Two Times after the Beginning of any Parliament, and all Statutes made to that purpose, are Enacted by this Statute to be void.

*Ve. bic an.  
tea, §. 3.*

I H. 5. cap. 1 Engl. XIII. Every Knight, Citizen and Burges, for every Parliament, to be Summoned or Holden for this Realm, shall be Resiant and Dwelling within the Counties, Cities and Towns, Rep. f. 551. and shall be Chosen and Elected by the greater Number of the pl. 741. Inhabitants of the said Counties, Cities and Towns, being present at the said Election.

XIV. Every

XIV. Every Elector of the said Knights, shall have Lands and Tenements of Estate of Free-hold within the said Countries, of 40 shillings yearly value at the least, over and above all Charges, and every Inhabitant Chusing or Electing in any other manner than as before mentioned, shall Forfeit an 100 shillings, One Moyety to the King, and the other to any that will Sue for the same, in any Court of Record; and no Eſſoin, Protection or Wager of Law to be allowed.

*Co. 4. Inst.* fo. 10.

8.H.6. cap.  
7.10. H. 6.  
*Cap. 2* &  
23 H. 6.  
*Cap. 15.*  
*Engl. Ve.*  
*Raſſall,*  
*Plaſ. 446.*

XV. Every Sheriff or other Officer Returning any Knight, Citizen or Burgesſ Chosen in any other manner than as is before expressed, shall Forfeit 100 pounds, to be had and recovered as before is Specified.

*Ve. Dyers.*  
*Rep. f. 113.*  
168. *Plow.*  
*Com. fo.*  
118.  
*Ve. Noyes*  
*Rep. fo.*  
104.

XVI. And every Knight, Citizen and Burgesſ taking the Office upon them, and not Chosen in Form as before is expressed, shall Forfeit 100 pounds, to be recovered and Taken in manner and form before rehearsed.

XVII. *Stat. 3 & 4. P. & M. Cap. 4.* Does Enact that the Statute of the 10 H. 7. *Cap. 4.* mentioned here before, S. 4.) shall be thus Expounded, viz. That no Parliament be Summoned or Holden within this Realm, till the Lieutenant, Lord Deputy, &c. and the Council of this Realm, have Certified the King, under the Great Seal of Ireland, of the Considerations, Causes and Articles of such Acts, as they think necessary to be Enacted here by Parliament, and shall receive His Majesty's Answer under the Great Seal of England, either for the passing the said Acts as they are ſent into England, or for altering them or any part of them.

XVIII. And after ſuch Return made, and Licence Granted under the Great Seal of England, then (and not before) the ſaid Lieutenant, &c. ſhall Summon and Hold a Parliament within this Realm, for passing ſuch Acts and no other.

XIX. The Lieutenant, &c. (under the Great Seal as aforesaid) after the Summons, and during the Time of every Parliament, may also Certify all ſuch other Caues and Articles of Acts, which they think good to be Enacted in the ſame Parliament, and ſuch of them as ſhall be Returned back under the Great Seal of England, (and no others) may paſſ and be Enacted here, in Cale they be Agreed upon, by the Three Estates of Parliament here.

XX. A Proviſo that all Parliaments Holden within this Realm, ſince the making of the ſaid Act 10 H. 7. and all Acts made and paſſed in the lame, ſhall be of the ſame Force as if this Act had never been made; and that this Act or any thing therein ſhall not extend to the Defeating of any the Proviſoes made in this Session of Parliament.

XXI. *Stat. 11 El. Seſſ. 2 Cap. 1.* All Acts made by Authority of this Parliament, that ſhall concern the Common Weal of this Realm, or any Province, Territory, Country, Shire, Member of part thereof, or any good Orders for the Reformation,

mation of Vices and Abuses, that do or may Annoy this Common Weal or any part thereof, or the better Amending of Defaults, or the Devise of wholesome Ordinances for the well ordering of Manners, or the Establishment of Civil Policy and Quiet amongst the People, or the Augmentation of the Queens Revenues, or the Assurance of Her and Her Heirs and Successors to any Lands, &c. or Profits, and Certified under the Great Seal of this Realm, and Allowed and Returned into *Ireland* under the Great Seal of *England*, and afterward Proclaimed in the Cities and Towns of *Dublin*, *Waterford*, *Cork*, *Limerick*, *Drogheda* and *Gallway*, shall immediately after the said Proclamation made (and not before) be of full Force to all Purposes and Intents, the Act made at *Drogheda* (viz. 10. H. 7. Cap. 4.) at the Parliament held there, before Sir *Edward Poynings* Knight, or any other Act to the contrary thereof notwithstanding.

**XXII. Stat. II. El. Sess. 3. Cap. 8.** No Bill shall be Certified into *England*, for the Repeal or Suspending of the Statute (viz. 10. H. 7. Cap. 4.) passed when Sir *Edward Poynings* was Lord Deputy of *Ireland*, before the same Bill be fully Agreed on, in a Session of Parliament to be holden within this Realm, by the more Number of the Lords Assembled in Parliament, and the greater Number of the Commons House.

**XXIII.** If any Act shall be passed touching the Repeal or Suspending of the said Statute passed in Sir *Edward Poynings* Government, the same shall be utterly void.

**XXIV. Stat. I. Gul. & Mar. Sess. 2. Cap. 9. Engl.** The Persons now or of late Assembled at *Dublin*, without any Authority derived from Their Majesties, calling themselves a Parliament, were not, nor are a Parliament, but an unlawful and Rebellious Assembly; and all Acts and Proceedings whatsoever, made or passed, in the said pretended Parliament, shall be Adjudged void: And no Act, Statute, Judgment, Outlawry, Decree, Sentence, Order, or other Proceedings, since the 13<sup>th</sup> day of February, 1688. made or done or to be had, &c. by any persons whatsoever, by Colour of any Commission or Authority in *Ireland* (other than such as have been or shall be given by, or derived from Their Majesties) shall be of any Force or Effect.

**XXV. Stat. 7. Gul. 3. Sess. 1. Cap. 3.** All the Acts of the pretended Parliament, Begun on or about the 7<sup>th</sup> day of *May*, 1689. in or near the City of *Dublin*, and Acting in Concourse with the late King *James*; and the Rolls whereon the same are Recorded or Ingrossed, and all Proceedings whatsoever, made or passed by the said pretended Parliament, and all Writs Issued in Order to the Calling thereof, and Returned into any Office in this Kingdom, and there remaining, and all the Journals and other Writings Relating therunto, shall be brought before the Lord Deputy or other Chief Governors,

&c.

&c. (at such time as they shall appoint) at the Council Chamber in Dublin, and there shall be publickly and openly Cancelled, and in case any Officer in whose Custody any of them are, shall willfully neglect, or refuse to produce the same to the Intent aforesaid, he shall from thenceforth be Incapable of any Office or Employment whatsoever, and Forfeit 500 pounds, one Moyety to the King, and the other to the Prosecutor in any Court of Record whosoever.

XXVI. And all Acts of Attainders and other Acts and Proceedings of the said pretended Parliament, are Declared and Enacted to have been from the First making thereof Absolutely void.

XXVII. And all persons who by express Name or otherwise, by any proceedings of the pretended Parliament, were Attain'd of High-Treason or any other Crime, or subject to any Incapacity, Disability or Forfeiture, are Declared and Enacted to be Free and Discharged of and from all Attainders, Corruption of blood, Disabilities, Incapacities and Forfeitures whatsoever, as fully as if the said Acts or pretended Acts had not been made or passed, and as if they and every of them had been particularly Named in this Act and Declared to be Restored in Blood.

### Partition.

I. Stat. 9. Gul. 3. Sess. 1. Cap. 37. After the Sixth day of November, 1697. and after Process of Summons and Attachment in any Writ of Partition Returned, and Affidavit made thereupon by any Credible person, that due Notice in Writing hath been given of the said Writ, to the Tenants to the Writ or Action, and a Copy thereof left with the Occupiers or Tenants in Possession of the Lands (or if not to be found) then to the Wife, Son or Daughter, being of the Age of 21 years or upwards, or such Tenants to the said Writ or Action, or Tenants in Actual Possession as aforesaid, by virtue of any Estate of Free-hold for years, or at Will, or any uncertain Interest, of or in any Mannors, Lands, &c. whereof the said Partition is so Demanded (unless the said Tenant in Actual Possession be Demandant in the said Action) at least 40 days before the Return of the Summons or Attachment. If in such Case the Tenants, &c. or any of them, shall not within the Term after such Return, or the Term following the same, cause an Appearance to be Entred in such Court where they shall be Returnable, then in Default thereof, the Demandant having Filed his Declaration, the Court shall Proceed to Examine the Title of the said Demandant set forth in his Declaration, and the Content or Quantity of his part or purpart of the said Lands and Premises; and according as they find the same, they shall for so much, cause Judgment to be Entred for him by Default, and thereupon Award a Writ to make Partition,

## Partition.

Partition, whereby such Proportion, Part and Purpart, may be set out to him in Severalty, of which said Writ of Execution, notice shall be given to the Occupiers or Tenants of the said Mannors, Lands, &c. 6 days at the least before the Execution thereof : And the same being (after such Notice) duly Executed and Returned, and Final Judgment thereupon Entred, the same shall be Binding and Conclusive to all Persons whatsoever, and to the several Rights, Titles and Interests, which they or any of them have or shall at any time Claim, or pretend to have in any of the said Mannors, Lands, &c. mentioned in the said Judgment and Writ of Partition so Awarded as aforesaid ; although all persons Concerned are not Named in the Proceedings thereupon, nor the Title of the Tenant to the said Writ truly set forth.

II. Provided that if such Tenants or Persons concerned, or any of them against whom, or their Right or Title, such Judgment by Default is given, shall within the space of one year after the first Judgment Entred, (or in Case of Infancy, Coverture, *Non sane*, Memory or Absence out of this Kingdom, then within one year after his, her or their Return, or the Determination of such Inability) do move the Court where such Judgments are Entred, and shew good and probable Matter in Bar of such Partition, or that the Demandant hath not Title to so much as he hath so Recovered, then the Court may Suspend, and set Aside such Judgment, and Admit the Tenants to Appear and Plead, and the Cause shall proceed according to due Course of Law as if no Judgment had been given ; and if the Court upon Hearing thereof, shall Adjudge for the first Demandant, then the said first Judgment shall stand Confirmed, and be good against all persons whatsoever (except such other persons as shall be Absent or Disabled, as aforesaid.) And the persons so Appealing shall be Awarded to pay Costs, or within such time or times as aforesaid, the Tenants or persons Concerned, Admitting the Demandants Title, Parts or Purparts, shall yet shew to the Court an Inequality in the Partition, the Court may Award a new Partition to be made in the presence of all Parties concerned, if they will appear, notwithstanding the Return and Filing upon Record of the former, which Second Partition Returned and Filed shall be good and firm for ever, against all persons whatsoever Except as before Excepted.

III. And no Plea in Abatement shall be Admitted in any Suit for Partition, nor shall the same be Abated by reason of the Death of any Tenants thereunto.

IV. When the High-Sheriff cannot conveniently be present, at the Execution of any Judgment in Partition, in such Case the Under-Sheriff, in presence of Two Justices of the Peace of the County (where the Lands to be Divided do lie) may proceed to Execution, by any Writ of Partition, by Inquisition in due

Form

*Ve. Dyer.  
fo. 73. a.  
pl. 7.*

Form of Law, as if the High-Sheriff were then personally present, and he to make the same Return as if he were personally present at such Execution: And in case such Partition be made, Returned and Filed, those that were Tenants of any the said Messuages, Lands, &c. or any part or purpart thereof ( before such Division ) shall continue Tenants for such parts set out severally, to the respective Land-Lords or Owners thereof, under the same Covenants and Rents; and the Land-Lords and Owners of the said parts and purparts so Divided and Allotted, shall warrant and make good unto their respective Tenants, the said several parts severally after the said Partition, as they were to do by any Copy, Lease, &c. of their respective parts, before any Partition was made. And in case any Demandant be Tenant in Actual possession to the Tenant to the Writ or Action for his part and proportion or any part thereof in the Messuages Lands, &c. to be divided by virtue of a Writ of Partition as aforesaid, for any Term of Life, Lives or Years, or uncertain Interest, the same Tenants shall stand and be possessed of the said purparts and portions, for the like Term and under the same Conditions and Covenants, when it is set out in severality, in pursuance of this or any other Act, Statute or Law to that purpose.

V. The Sheriffs, their Under-Sheriffs and Deputies ( and in Case of Sickness or Disability of the High-Sheriff ) All Justices of the Peace within their respective Divisions ( after convenient Notice ) are to give Attendance to the Executing such Writ of Partition, unless reasonable Cause be shewn to the Court upon Oath, and then Allowed of or otherwise be liable every one of them to pay to the Demandant such Costs and Damages ( not exceeding 5 pounds ) as shall be Awarded by the Court, for which he may bring his Action in any of the King's Courts of Record at *Dublin*, wherein no Essoin, &c. shall be allowed. And in case the Demandant do not Agree to pay unto the Sheriff or Under-Sheriff, Justice and Jurors, such Fees as they shall respectively demand for their Pains and Attendance in the Execution of the same and Returning thereof, then the Court shall Award what each Person shall receive ( having respect to the distance of the Place from their respective Habitations, and the time they must necessarily spend about the same ) for which they may severally bring their Actions as aforesaid.

VI. This Act to continue in Force for 7 years, and from thence to the end of the next Session of the next Parliament and no longer.

VII. Where the Meares of Lands between propriety and propriety have, or shall hereafter be Set out or Ascertained, by a Writ of Partition, Perambulation or otherwise, the same shall at equal Charges of the Proprietors thereof or their Tenants, be Inclosed with good Ditches ( where Earth sufficient may

## Partition. St. Patrick.

may be had to make them) and therein one or two Rows of Quick-Setts shall be planted: And where Earth shall be wanting, such other Fences shall be made as the nature of the Soil will permit.

VIII. And where Lands are held in Fee-Farm, or for Lives Renewable for ever, or for a Term of 60 years, to run from the Sixth day of November, 1697, there the Charge of making the Meares or Fences as aforesaid, shall be intirely born by the Tenant: And where Lands are Leased for Lives, wherein Three Lives shall be Current, or for years, where 21 years shall be unexpired, at or upon the said day, there the said Meares shall be Inclosed at the equal Charge of the Land-lord and Tenant: And where Lands are Leased for any lesser Time or Term, the Bounds shall be Inclosed at the sole Charge of the Land-lord.

IX. But this Act shall not extend to make void any Covenants heretofore made between Land-lord and Tenant, relating to the Inclosing of Meares.

X. Whatsoever persons Chargeable by this Act, with the Fencing and Closing of their Bounds as aforesaid, shall not actually have done the same within 6 months after such Partition made, shall Forfeit One years value of the Land for such neglect, One Moyety to the use of the Poor of the Parish where the Lands lye, and the other Moyety to him or them that will Sue for the same: And upon further neglect, to do the same within One year, then to Forfeit Two years value of the Land, to be paid and recovered in manner aforesaid.

XI. All Mearing, Fences, Ditches and Drains, made or hereafter to be made, shall at all times hereafter, at the equal Charge of the Tenants and Occupiers, be kept Open, Scoured and Cleaned, that the Water may not stand, but pass away; and such as refuse or neglect to do the same, shall Forfeit One years value of the said Land, to be Recovered in such manner and to such uses as is herein before expressed.

### St. Patrick,

I. Stat. 8. H. 7. Cap. 1. Every Man Inhabiting or that hath any House or Shop, upon the River or Poddel in St. Patrick's Street in Dublin, upon every part thereof, shall Cleanse the said precinct of his Tenement or Inheritance, to the said Channel, as it was of old Time, upon pain of 20 Shillings, to be Levyed by the Proctor of the Church of St. Patrick aforesaid, for the time being without any other Authority or Impediment.

II. And no Man or Woman shall Estop or Disturb the free Passage of the said Water, upon the like pain, to be Levyed in the same manner as aforesaid.

III. Stat. 17 & 18. Car. 2. Sej. 5. Cap. 14. It is made lawful for the then Presentor (otherwise called the Chanter), and

and the Treasurer of the Cathedral Church of St. Patrick, Dublin, and the Arch-Deacon of Dublin, and their respective Successors, at any time within the space of 5 years, next ensuing the making of this Act, to Demise or make Leases of any part of the Yards and Gardens belonging to the Houses of the said Precentor and Treasurer, and Abutting on the Street commonly called St. Brides-Street ; and of the Yard and Garden belonging to the said Arch-Deacon, lying and being on the Poddel (not exceeding 60 Yards back from the Streets) if the Lord Lieutenant, &c. and Council of this Kingdom shall think fit, to any persons, and not exceeding the Term of 60 years, from the Date of such Leases, at such yearly Rent as shall be allowed by the Lord Lieutenant, &c. and Council of this Kingdom.

IV. Stat. 17 & 18. Car. 2. Sess. 5. Cap. 21. The Mayor of the City of Dublin, the Arch-Bishop of the City of Dublin, Edward Earl of Meath, the Lords Chief Justices of the King's Bench and Common-Pleas, and the Lord Chief Baron of the Exchequer, the King's Principal Secretary of State. His Attorney and Sollicitor General, the Dean of the Cathedral Church of the Holy Trinity, Dublin, the Dean of the Cathedral Church of St. Patrick, Dublin, and the Recorder of the City of Dublin, or any 5 or more of them, whereof the Arch-Bishop to be always one, are appointed Commissioners for the preserving the said Cathedral of St. Patrick's, from Ruin or Decay, by means of the Nusance of the Water Course called the Poddel, which runs on either side of St. Patricks-Street, and the Inundation of sudden Floods ; and from time to time to meet together, at such times and places as they shall think convenient : And by the Oath of good and lawful Men, or other lawful ways, to Inquire of the causes of the Nusance and Overflowings, or by whom and what means occasioned, and how the same may be Remedied and Prevented, and to Examine upon Oath such persons, as shall be Produced before them to give Information touching the Stoppage and Overflowing of the said Water-course, within the County of Dublin, or within the County of the City of Dublin, or within any Liberties.

V. And if upon Inquiry and Examination as aforesaid, it appear to the said Commissioners or any 5 or more of them, that the Nusance is occasioned in part or in whole, by any Inhabitant dwelling upon or near the said Water-course, or any other, under whom such Inhabitant Claims any Interest, then upon the Conviction of such Nusance, by the Oath of Two credible Witnesses (which Oath the Commissioners or any 5 or more of them may Administer) or by Confession of the Party, or notorious Evidence of the Fact, they are to make a Record of such Offences, under their Hands and Seals, and to Remain in the Custody of the Mayor of the City of Dublin, and his Successors, and shall to all Interests be taken for a per-

## St. Patrick.

fect Conviction of every such Offender or Offence ; and thereupon the said Commissioners or any five, &c. under their Hands and Seals, may require such Person so Convict, to cause to be Removed at his own Costs and Charges, within such reasonable time as they shall think fit to appoint for that work, and in case of Refusal or Neglect, to Impose a Fine (not exceeding five pounds) upon the Offenders, and Commit them to the next Goal, without Bail, until at their own proper Costs and Charges they shall fully Remove such Nusance, according to the purport of such precept.

VI. And if such Offender shall again Commit the like Offence, and be Convicted as aforesaid, then to be Imprisoned by Warrant from the Commissioners, or any five, &c. until he have, at his own proper Costs and Charges, Removed such Nusance and paid to such Persons as they shall appoint, such Sum of Money, not exceeding 10 Pounds, as they shall Fine such Offender at, for such Second Offence.

VII. And if any, after such Second Offence, shall again Commit the like Offence, then upon Conviction thereof (in manner aforesaid) to be Committed to Prison as aforesaid (every time so Offending) there to Remain until the Offender, at his own proper Costs and Charges, have Removed such Nusance, and paid such Sum, not exceeding 10 Pounds, as he shall be Fined at, as aforesaid.

VIII. And the said Commissioners, or any five, &c. may Order the making of any new Grafts, Vaults or Cellars, or to cut into any Drayn or Cellar already made, or the Altering, Inlarging, Amending, or Scowring of Old Vaults, Sincks or Common Cellars, for the Making, Amending or Altering of any New or Old Pavement, or taking away of Crost Gutters or Channels, or for the Removing of any kind of Nusances, or any Encroachments by Sheads, Stalls, Bulks, Stumps, Posts, or Walls, beyond the Old Foundations in the Streets (in such Places which shall be Adjudged Convenient) and to hinder the Passage ; provided that such Incroachments (which are Nusances) that have continued above 30 years last past, shall not be Removed, nor any New Grafts or Cellars made, until reasonable Satisfaction shall be given by the said Commissioners, to the Parties that shall suffer thereby. And if any shall own the said Incroachments, or shall not accept of such reasonable Satisfaction, as shall be Tendered or Offered by the Commissioners, for the pulling down or Removing the same, or making New Grafts, &c. then the Lord Chancellor of Ireland, upon the Petition of the Parties to him, shall Adjudge them what Satisfaction is fit.

IX. All such Fines as shall be Imposed, shall be Levyed by Warrant under the Seals of the Commissioners, or any five, &c. directed to the Constable or Constables of the Parish, where such Offenders do Live, who upon Receipt thereof, shall

go to the Persons so Fined, and demand payment, and upon Neglect or Refusal, to Distain and Sell the Distress, paying the Overplus (if any shall Remain over and above the Fine) back to the Parties Distained; and the Moneys Received or Levyed by the Constables, to be paid by them to such persons (as by the said Commissioners, or any five, &c. shall be appointed) who are to Receive the same, and dispose thereof from time to time (for the Removing of the said Nusances, and Preserving the said Cathedral from Inundations) as the said Commissioners, by Warrant under their Hands, shall direct.

X. If the Constables Neglect, or Refuse to Execute such Warrants, they may be Imprisoned for any time, not exceeding 6 Months, and pay such Fine as the Commissioners or any Five, &c. shall think fit to Impose, (not exceeding 5 pounds) to be Levyed in manner aforesaid, and may also, by Warrant under their Hands and Seals, Commit such Offenders to the next Goal, whom the Goaler is to receive and detain in safe Custody according to the Warrant, in pain of 5 pounds, to be Levyed as aforesaid.

XI. And if upon Inquiry and due Consideration, the Commissioners or any Five, &c. find that the Fabrick of the said Cathedral Church, cannot be preserved from Ruin, nor the dwellings of the neighbouring Inhabitants, from so frequent Overflowings, without some considerable Expence of Moneys, they may in such Case lay such a Tax or Assessment (upon the Dean, Dignitaries, and Prebends, of the said Cathedral Church of St. Patrick's, Dublin, and the several Inhabitants of St. Patrick-street, and in the Close of the said Cathedral, and on all Persons that lie within the Liberties of St. Pulcher's and Donore, or within the Level and Danger of the said Inundation) as they shall conceive may be sufficient for effecting the Work.

XII. Provided that none be Assessed above 5 pounds *Sterl.* in any one year; and the said Commissioners, or any Five, &c. may by Precept under their Hands and Seals, cause the said Monies to be equally Assessed upon the several Parishioners and Inhabitants of the Places aforesaid, and to be Collected and Levyed by Distress and Sale as afore-mentioned, and to be paid to such persons as they shall appoint, who shall Issue out the same from time to time, as the said Commissioners, or any Five, &c. shall think fit.

XIII. And if any be Sued at any time for putting in Execution any of the Powers contained in this Act, they may plead the General Issue, and give the special Matter in Evidence; and if the Plaintiff be Non-Sute, or a Verdict pass for the Defendant, or the Plaintiff discontinue his Action, or if upon Demurer Judgment be given for the Defendant, he shall have Treble Costs.

# Peace and War. Perjury.

XIV. The Commissioners or any *s. &c.* are to appoint a Treasurer or Collector and Clerk to Attend them, with such moderate Allowances as shall be thought fit, not exceeding 5 shillings for each day the Commissioners shall meet, and sit on the matter aforesaid.

## Peace and War.

I. Stat. 10. H. 7. Cap. 17. No Peace nor War shall be taken or made, but by the Lieutenant or Deputy or by their License.

II. And whosoever breaks the said Peace, or takes Truce or Robb or Spoil, and do not Deliver such Goods and Chattels as they shall take of Irish Enemies unto the Lieutenant or Deputy within 8 days after the taking, shall Forfeit 100 pounds to the King for every such Offence, and be Committed to Prison without Bail, till payment, and find sufficient Sureties in the Chancery to Offend no more.

## Perjury.

I. Stat. 28. Eliz. Cap. 1. If any shall Unlawfully or Corruptly procure a Witness by Letters, Rewards or Promises, or by any other means whatsoever, to Commit any willful or corrupt Perjury in any Cause or Sute whatsoever, concerning any Lands, Goods, Chattels, Debts, Damages, or any other Cause of Action, in any of the Courts of Castle-Chamber, Chancery, King's-Bench, Common-Pleas, Exchequer, or any other Court or Courts, before any Judge, Justice, President, Governor, Commissioners, Mayor, Sheriffs, Seneschals, or any other Officers whatsoever, as well within Liberties as without, in this Realm, or shall corruptly Suborn a Witness, to Swear and Testify in *perpetuam rei Memoriam*, every such Offender (being lawfully Convicted or Attainted) shall Forfeit 40 pounds, and if not able, to suffer 6 Months Imprisonment without Bail, stand upon the Pillory one whole hour in the same Market-Town, or in some Market-Town next adjoining to the Place where the Offence was Committed, and be for ever after disabled to give Testimony in any Court of Record, or within any other Court within this Realm, until the Judgment given against them be Reversed, and that upon every such Reversal, the Parties grieved to Recover their Damages (against such as did procure the said Reversal) by Action upon the Case, according to the Godbolts Course of the Common-Laws of this Realm.

Rep. pa. 71. pl. 86. Vaugh. Rep. 152. Savills Rep. fo. 43. Bulstr. 3. Rep. f. 147. Leon. 2. Rep. f. 198. 3. Rep. 201. Co. 5. Rep. f. 99. a. Noyes Rep. f. 128. Cro. El. fo. 105. pl. 17. 137. pl. 8. 147. pl. 11. 148. pl. 13. 434. pl. 45. 709, 710. Cro. Jac. fo. 120. pl. 2. 212. pl. 4. 601. pl. 26. Goldes Rep. fo. 191. pl. 140. Siderfin, Rep. fo. 106. 148. pl. 8. 153, 154. 217. pl. 23. 274. pl. 32. 418, 419. Leon. 2. Rep. f. 12. 3. Rep. f. 78. Co. 2. Inst. f. 237. Noyes Rep. f. 80.

II. Such Persons as, either by the Subornation, Perswasion or Means of any others, or by their own Consent, Willfully or Corruptly,

Corruptly, Commit any manner of willful Perjury by their Deposition in any the Courts before mentioned, before any the said Judges, &c. before mentioned, or being Examined in *perpetuum rei Memoriam*, shall Forfeit (being duly Convicted or Attainted) 20 pounds, suffer 6 months Imprisonment without Bail, and be ever after disabled to give any Evidence, until the Judgment be Reversed as aforesaid, and the Parties grieved to Recover their Damages upon such Reversal as aforesaid: And if the Offender be not able to pay, then to be set upon the Pillory in some Market place within the County, City or Burrough, where the said Offences shall be Committed, by the Sheriff or his Minister (in the County) and by the Head Officers or their Ministers (in a Corporation) and there to have both his Ears Nailed, and be disabled as aforesaid, until the Judgment be Reversed as aforesaid, and the Parties grieved to Recover their Damages thereupon as aforesaid.

656. pl.  
900. Co 5.  
Rep. fo.  
99. a. Cro.  
El. fo. 177.  
184. 201.  
434. Co.  
pla. f. 164.  
165. 166.

III. The Forfeitures aforesaid, to be divided between the Queen, Her Heirs and Successors, and the persons grieved, that will Sue for the same, by Bill, Plaintiff, &c. in any of the Queen's Courts of Record, wherein no Wager of Law, &c. shall be allowed.

Cro. El. f.  
147. 148.  
195. 267.  
428. Cro.  
Fac. fo.  
120. 133.

IV. Judges of the Courts where such Offences shall happen to be Committed, Justices of Assize and Goal Delivery, and Justices of the Peace in every County within this Realm, at their Quarter Sessions, as well within Liberties as without, have power to Hear and Determine the same Offences.

V. Justices of Assize in every Circuit within this Realm shall in every County within their Circuits, Two times in the year, viz. in the time of their Sittings, make open Proclamation of this Statute, that none may be Ignorant thereof.

VI. This Act shall not extend to any Spiritual or Ecclesiastical Court, but that they may proceed there as in times past. *Ve. Kel.*  
*Rep. f. 39.*

VII. This Act shall not Restraine the Power of the Lord Chancellor of *Ireland* and others of the King's Counsel to Examine and Punish Riots, Routs, Heinous Perjuries, and other Offences and Misdemeanours, nor the Power of the Lord President and Counsel, that is or shall be in *Munster*, *Connaught* and *Ulster*, nor any other Judge having absolute Power to Punish Perjury before this Act, but that they may proceed as formerly, so they set not upon the Offenders less Punishment than is contained in this Act. This Act to Continue for ever.

19. H. 7.  
Cap. 6. En.

## Pewter and Brass.

I. Stat. 9. Gul. 3. Sejj. 1. Cap. 39. After the First day of January, 1697. None using the Trade of Pewterers and Brasiers, or who Sell or Deal in the same within this Realm, shall Sell or Change any Pewter or Brass, New or Old, at any places save in open Fairs or Markets, or in their own publick Shops or Dwelling-houses, in pain of 40 shillings for every Offence, one

## Pewter and Brass.

one half to the use of the Poor of the Parish where such Offence shall be Committed, and the other half to the Seisor or Finder of the same.

II. And none after the said day, shall at any place within this Realm, Cast or Work any New Pewter or Brass Vessel, but such as shall be of as Good Fine Metal as is the Pewter and Brass Cast and Wrought after the perfect Goodness required for the same, within the City of *London*, upon pain of Forfeiture of the same, to be divided as aforesaid, which said Offences shall be Examined, Hear'd and Determined in all Cities and Corporate Towns, by the Mayor, Bailiff, &c. or other Head Officer of the same; and in all other places before Two Justices of the Peace of the respective Counties, where such Goods shall be so Seised as aforesaid, who are required to Examine the said Matters on Oath, of one or more Witnesses (which they may Administer) and to hear, determine and give Judgment thereupon, for the Forfeiture of such Goods to the uses aforesaid, or for Discharging and Restoring the same, as they shall see cause, which said Judgment so given, such Mayor, Justices, &c. are to Return and Certify to the Justices of the Peace, at their respective next Quarter-Sessions, to the intent that the same may be there Entered of Record.

III. But no Pewter or Brass shall be so Seised or Forfeited, save only such as shall, at the time of such Seisure, be in the possession of the same Pewterer or Brasier, or other person using the said Trade or Mistery, or Selling such Pewter or Brass, or of some in Trust for them, and not such as shall be in the possession of any other person (not using such Trade or Mistery) as the proper Goods of such other person.

IV. And none after such time shall make any hollow Wares (That is to say) Salts and Pots, or the like of Pewter, called Lay-Metal, of courser or worse Metal, than according to the Assize of Lay-Metal wrought within the City of *London*, and the Makers thereof shall Mark the same with several and particular Marks of their own, that it may Appear by whom they are made; and all such Wares not sufficiently Wrought or Marked in form aforesaid, (found in the possession of the Maker or Seller) shall be Seised as Forfeited; and if Sold before Seisure, then the Maker shall Forfeit the value thereof, to be divided, hear'd and determined as aforesaid.

V. And if any after the said time, Using, Buying and Selling of Pewter and Brass, shall have or make use of any false Beams or Weights, such Offender shall Forfeit for every such Offence 5 pounds, to be Divided, Prosecuted and Determined as aforesaid; and being not able to pay, then to be put in the Stocks (by such person or persons before whom such Offence shall be Tryed) for the space of 2 hours, and after to continue him in Custody until the next Market day for the place, and then in the open Market place during the chief time of such Market to put

put and continue him with his Head in the Pillory, for the space of one hour.

VI. It shall be lawful to and for the Master and Wardens of the said Crafts of Pewterers and Brasiers within every City and Burrough of this Realm where such are, and where they are not, then for the Head Officer and Magistrates of the same, to appoint certain persons (most expert in knowing of the same) to make Search in Cities and Burroughs where they dwell, after such Offenders, and to Apprehend them, or cause them to be Apprehended; and also to Seize suspected Goods, liable to be Seized by virtue of this Act, and bring them and the Goods before the Respective persons hereby required to Hear and Determine such Offences, in Order to their further Proceedings, according to the Directions of this Act: And the Justices of the Peace within every Shire or County of this Kingdom are Authorized and Required, at the General Sessions of the Peace, to be held for their respective Counties at *Michaelmas*, every year, to Appoint 2 Experienced Searchers, to Search in the Premisses in every part of the said Shire or County, as well within Franchises as without, (except in Cities and Burroughs) and to Seize such Offenders and Goods, and bring the same before such Justices of the Peace (who are required to Hear and Determine such Offences) in Order to their further Proceeding thereon as aforesaid: And that in Default of the Master and Wardens or other the persons to be Appointed according to this Act, of Searching in manner aforesaid, it's made Lawful for any other having Cunning and Knowledge in the said Occupation, by Oversight of the Mayor, &c. to Search all the aforesaid places, for any of the aforesaid unlawful Metals and unlawful Weights, in Order to the putting the Act in due Execution.

## Pious Uses.

I. Stat. 10. Car. 1. Sess. 3. Cap. 1. All Arch-Bishops and Bishops of this Kingdom and their Successors for ever, shall and may from time to time of any Grant of Estate to them or their Successors made, or to be made, either by King *Jac. 1.* King *Car. 1.* or any of their Heirs or Successors, or by any other persons, Bodies Politick and Corporate whatsoever, of any Mannors, Lands, Tenements, Tyths, Pensions, Profits or other Hereditaments, unto the use or upon Trust, for the Erection, Maintenance or Support of any College, School, Lecture in Divinity, or in any the Liberal Arts or Sciences, or for the Relief or Maintenance of any manner of poor Persons, or for the Building, Re-edifying or Maintaining in Repair, of any Church, College, School or Hospital, or for the Maintenance of any Minister and Preacher of the holy Word of God, or for the Erection, Building, Maintaining or Repair of any Bridges, Causeyes, Cashes places and High-ways within this Realm,

## Pious Uses. Piracy.

\* Some words in this place, in the Statute at large are wanting.

Realm, or for any other Lawful and Charitable uses, Warranted by the Laws of this Realm now Established and in Force \* are and shall be taken and construed to be good and effectual in the Law, according to the purport and true meaning thereof.

II. And the said Arch-Bishops and Bishops and their Successors, may be Compelled by *Sub-pena* in Chancery, or by Petition before the Lord Deputy and Privy Council of this Kingdom, at the Council Board, to Execute and Perform all the said Trusts and Uses, according to the true Intent of the Charters, Deeds and Conveyances to them in that behalf made or hereafter to be made, or of any other Deed or Writing, containing or directing the uses thereof.

III. Saving to all others (other than the said Donors or Grantors, their Heirs and Successors) all their Right and Title.

### Piracy.

**27. H. 8.** I. **H**stat. 11, 12, & 13. **Jac. 1. Cap. 2.** All Treasons, Felonies, Murders and Confederacies, Committed upon the Sea or in any Haven, &c. within the Admirals Jurisdiction, shall be Inquired, Hear'd and Determined, in such Shires and Places within this Realm, as shall be Limitted by the King's Commission, in like manner as if such Offences had been Committeed upon the Land; and such Commissions shall be under the Great Seal of this Kingdom, Directed to the Admiral, his Lieutenant-General or Deputy, and to 3 or 4 such other persons, as the Lord Chancellor of Ireland shall Name, as often as need shall require, to Hear and Determine such Offences, after the Course of the Common Laws of this Realm, used for the same when Done and Committed on the Land within this Realm.

**Ve. Boult.** II. The said Commissioners or 4 of them at the least, may Inquire of such Offences by the Oaths of 12 lawful Men of the Shire so Limitted in their Commission, as if such Offences were done at Land within the same Shire; and upon every Indiftment found and presented before such Commissioners, of any Treasons, Felonies, Robberies, Murthers and Man-slaughters, or such other Offences done in, or upon the Seas or any Haven, &c. as aforesaid, shall be good in the Law: And such Order, Proces, Judgment and Execution shall be used thereupon, as against such like Offenders and Offences done upon the Land: Also the Tryal of such Offences (if they be denied by the Offenders) shall be had by 12 Men of the Shire Limitted in the said Commission as aforesaid; and no Challenge shall be had for the Hundred: And such as shall be Convict of any such Offences by Verdict, Confession or Proces, by Authority of any such Commission, shall suffer Death, without Benefit of Clergy, and Forfeit Lands, Goods and Chattels, as if they had been

# Plantation, Lands, &c.

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been Attainted of Treason or Felonies, &c. done upon the Land.

III. This Act shall not prejudice any (urged by Necessity) for the taking any Victuals, Cables, Ropes, Anchors or Sails, out of another Ship, which conveniently may spare them, so as they either pay ready Money or Money worth for them, or give a Bill for the payment thereof. viz. If they be taken on this side the Streights of Morocco, then to be paid within 4 months, but if beyond the said Streights, then to be paid within 12 months.

## Plantation, Lands and Planters.

I. Stat. 10. Car. 1. Sess. 3. Cap. 3. The King, His Heirs and Successors shall be Adjudged to be Rightfully Seized of a good Estate in Fee-simple, and in the actual and real Possession in Right of His Imperial Crown of England and Ireland, of all the Castles, Mannors, Lands, &c. in the several Counties of Tyrone, Ardmagb, Donegall, Fermanagh, Cavan, London-Derry, Leytrim, and Longford, and the several Counties, commonly known by the Names of Elyo Carroll, alias O Carrols Country, Fercal, alias Molloyes Country, Kilcoursey, alias Fox his Country, Delvin Mac Cogblan, alias Mac Cogblans Country, in the King's-County; Upper Ossory, alias Mac Gilpatrick's Country, and Tregan, alias Doynes Country, in the Queens-County, the Murrows, Kilbobuck, Clanbenrick, Ferrenbammon, Killakeele, alias Mac Vadochs Country, Killcooleneline, alias Coolenelaine, alias Mac Morishes Country, Kinbelagbes Mac Domores Country, and Brackenagb, in the County of Wexford; and Ranelagb, alias Kooleranell, in the County of Wicklow; And also of and in the several Towns or Villages, Lands and Tenements, usually called *Plantation Lands*, in or near the Country of Clincolman, alias Omelagblins Country, in the County of West-Meath; and in or near the Country of Ragnelagb, alias Coole-Ranell, in the County of Wicklow; and in or near the Country of Forrenonele, in or near the County of Wexford; and also of and in all the Castles, Mannors, &c. in the several Counties of Waterford, Cork, Limerick, Kery and Tipperary, usually called *Plantation Lands*, or heretofore passed by Letters Patents, to any British Undertakers as *Plantation Lands*, at such time whensoverany of them shall be within the space of 5 years next ensuing the end of this present Session of Parliament, new Passed; Granted or Confirmed to any by Letters Patents under the Great Seal of this Kingdom, by Warrant of the Lord Deputy and Commissioners named by the King, for the Remedy of Defective Titles now in Being, or hereafter to be in Being, former Patentees or Proprietors or so Reputed (or such as by former Assignment have taken the Profits thereof) their Heirs or Assigns: And after the new Passing or Sealing of any such Letters Patents to them, all and every such new Grantees, their

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Heirs;

## plantation, Lands, &c.

Heirs, Successors and Assigns, shall and may for ever henceforth have and enjoy all and singular, such Premises aforesaid, as shall be Granted or Confirmed as aforesaid, for such Estates as shall be Limitted therein, as well against the King, His Heirs and Successors, as against all other persons whatsoever Claiming any Right in or to all or any the said Castles, Mannors, &c. to be Passed and Granted as aforesaid, Freed and Discharged from all former Rents and Arrearages, against the King, His Heirs and Successors.

II. Provided that this Act shall not Bar or Prejudice the Right or Title of any Arch-Bishop, Bishop, Dean, Chapter, Arch-Deacon, Dignitary, Prebendary, Parson, Vicar or other Spiritual or Ecclesiastical persons, to any Mannors, Lands, &c. being the Inheritance and Possession of their respective Churches or Benefices.

III. Stat. 14, & 15. Car. 2. Sess. 4. Cap. 13. All persons of the Protestant Religion, born out of the King's Dominions, and all Merchants, Traders and Dealers in any Goods, Wares and Merchandises, Artisans, Artificers, or others Working or Manufacturing any Goods or Commodities, or any Marriners or Seamen Inhabiting within any part of this Kingdom, or which at any time within the space of 7 years from the End of this Parliament, shall Transport their Stocks and Families into any part of this Kingdom, with Intention that themselves and Children after them shall Inhabit here, (after such Arrival and taking the Oaths of Allegiance and Supremacy, before the Lord Chancellor, or Lord Presidents, or Vice-Presidents of the Province of Munster and Connaught respectively, or any Judge in his Circuit, and to be Certified into the Chancery there to Remain on Record) shall be Deemed and Reputed the King's Natural Born Liege Subjects of the same, and enjoy the same Priviledges as Natural Born Subjects, and may Purchase, Inherit as Heirs, Sue and be Sued, &c. as lawfully and freely as other persons Born within this Kingdom may do.

IV. All Persons, as well Strangers and Aliens as the King's Subjects, of the Protestant Religion, who shall be Traders, Artisans, Artificers, Seamen or otherwise, Skilled and Exercised in any Mystery, Craft or Trade, or in the Working or Making any Manufacture, or Art of Navigation, Residing in this Kingdom, or who shall at any time come into any City, Burrough, Privileged and Incorporated Town or Places of this Kingdom, with Intent to Inhabit and Dwell here, shall upon their reasonable Request made, and Payment down or Tender of 20 shillings, by way of Fine unto the Chief Magistrate or Magistrates and Common-Council, or other Persons Authorized to admit and make Freemen of such Place (where they intend to Reside or Dwell) shall be admitted a Freeman of any such Place; and if they desire it, of any Guild, Brotherhood, Society or Fellowship of any Trade, Craft or other Mystery,

*See afterwards in this Tit.  
S. 10.*

*See here afterwards in this Tit.  
S. 11.*

Mistery, within all or any of the same Places, and during their Residence for the most part, and their Families constant Inhabiting within this Kingdom and no longer, to have and enjoy all Privileges of Trading, Buying, Working and Selling, in as ample manner as any Freeman of any such Place may Exercise and Enjoy, by virtue of his Freedom: And that all persons who shall be Admitted to be Free as aforesaid, shall from thenceforth be deemed to be Denizens within this Kingdom.

V. Provided that all Strangers, Artificers and others to be Admitted Freemen as aforesaid, before their Admittance, shall take the Oaths of Allegiance and Supremacy (then in Force, but now Abrogated by the Statute of the 3 & 4. Gul. & Mar. Cap. 2. which see here before in Tit. *Oaths*, and new Oaths appointed instead thereof) and such other Oaths as is Accustomably taken by any Freeman or Member of any City, &c. of this Kingdom, or the Members of any Guild or Brother-hood, &c. which they shall Exercise (in case they shall desire to be Incorporated into any such Guild, &c.) and shall bear all such Offices and like Charges, as all Freemen the King's Subjects of like Trade or Mistery, shall or do always use to bear and pay, and no other nor no more.

VI. And if any Chief Magistrate, &c. or any Master, Warden, &c. within any City, &c. shall Refuse to Admit any Trader, Artificer, &c. being or coming into this Kingdom, with Intent as aforesaid, to be a Freeman of the City, &c. where he intends to Inhabit or Dwell, or to be a Brother or Member of any Brotherhood, &c. within the same, every Chief Magistrate, Master, &c. respectively, shall Forfeit for such his Denial, the Sum of 100 pounds; and every Trader, Artificer, &c. so denied to be Admitted a Freeman of any City, &c. or Member or Brother of any Brotherhood, &c. within the same, upon Tender by him made of 20 shillings, by way of Fine as aforesaid, and taking the Oaths aforesaid (to be taken at that time, but the New ones now, which see in Tit. *Oaths*) before any Justice of the Peace of the County next Adjacent to such City, &c. or where in such City, &c. is situated, shall thereupon, by virtue of this Act, be Reputed to all Purposes to be a Freeman or Member of the said City, Town, &c. where he shall Inhabit or Dwell, and is Denied Admission as aforesaid, and thenceforth shall enjoy the Liberty and Priviledge of Trading, Working, Buying or Selling of any Commodities whatsoever, in as ample manner as if he had been Admitted, &c. taking the usual Oaths of such Brothers or Members (which any one Justice of the Peace next Adjoining, shall have Power to Administer) and bearing all such Offices and Charges as aforesaid, any Law or Usage to the contrary notwithstanding.

VII. And if any shall give any Disturbance to any Trader, Artificer, &c. to the hindring him in his Working, Buying or Selling

## Plantation, Lands, &c. Pleaders.

Selling as aforesaid, contrary to the intent and meaning of this Act, every such Offender shall for every such Offence Forfeit the Sum of 20 pounds.

VIII. No Stranger born out of the King's Obeyfance using any manner of Trade, Craft, Manufacture, Miftery or Occupation, and Inhabiting within any of the Cities, Burroughs, &c. shall at any one time use, take, retain and keep into their Services, any Apprentices, or any manner of Journeymen or Covenant Servants, above the Number of six besides their Sons or Daughters, who are all to be Protestants, or else the Protestants Subjects of the King, and Born under his Obeyfance, upon pain to lose his or their Freedom, and to Forfeit for every such Apprentice, Journeyman, or other Servant (above that Number) the Sum of 10 Pounds, one Moyety to the King, His Heirs and Successors, (and so of all other Forfeitures mentioned in this Act) and the other Moyety to him or them that will Sue for it or them, in any of the King's Courts of Record, or before any Judge or Judges of Assize in his or their respective Circuits, by Bill, Plaintiff, &c. wherein no Wager of Law, &c. shall be allowed.

IX. A Clause for all Strangers of the Protestant Religion, Transplanting themselves and Families, and being Naturalized as aforesaid, to be Freed and Exempted from Payment of Excise for any of their private Household Expences, or Provisions for 7 years.

X. Stat. 4. Gul. & Mar. Cap. 2. The Clause in the Act of the 14 & 15. Car. 2. afore-mentioned, as to the Naturalizing of Strangers and every part of the said Act Expired, is by this Statute Revived and made to Continue and be in Force for 7 years from the End of this Session of Parliament and no longer.

XI. None to have the Benefit thereof until he should take the new Oaths.

XII. A Clause shewing where and before whom the Oaths should be taken.

XIII. And all Protestant Strangers and Foreigners, who at any time hereafter, shall come into this Kingdom, that shall take the said Oaths and subscribe the Declaration above mentioned, shall have and enjoy the Free Exercise of their Religion, and have Liberty of Meeting together publickly for the Worship of God.

### Pleaders.

I. Stat. 33. H. 8. Sess. 2. Cap. 3. None within this Realm, (except the Party Plaintiff or Demandant, Tenant or Defendant) shall be allowed as a Pleader in any of the King's four principal Courts within this Realm, in any Causē or Matter whatsoever it be, nor shall Make or Exhibit into any of the said four Courts, any Declaration or Bill, Plea in Bar, Replication or Rejoinder, or to give Evidence to any Jury  
 (unless

(unless it be for the King) or to Argue any Matter in Law, nor to do or Minister any other things in the said four Courts, which Customably have been used to be done by one Learned (or taken to be Learned) in the King's Law, but such Persons as have or shall be for the same, at one time or several times, by the space of      years compleat at the least, Demurrant and Resident in one of the Inns of Court within the Realm of *England*, Studying, Practising, or Endeavouring themselves (the best they can) to come to the true Knowledge and Judgment of the said Laws, upon pain of 100 shillings to every person Offending to the contrary.

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in this Sta-  
tute at  
large.*

II. This Act with the Proviſoes therein, being made to Endure but to the End of the next Parliament, is by the Statute of 11. *Eliz. Sess. 1. Cap. 5.* Revived, Recontinued and made perpetual.

## Poll.

I. *Stat. 9. Gul. 3. Sess. 1. Cap. 33.* By this Act all persons of what Age, Sex or Degree ſoever (except the Persons therein Excepted) are to pay to the King 2 ſhillings *Sterl. per Annum*, for 2 years (besides the Annual Poll Chargeable upon them for their Qualities and Degrees, and for Personal Estates) to be paid by 4 equal Payments in each year, the First Payment to be made on the second Day of *February, 1697. &c.* But in regard the Act is very long, and will be Expired about the time (or before) this Work can be Printed and Published, I have therefore ommitted the Abridging of it.

## Pound Breach.

I. *Stat. 7. Gul. 3. Sess. 1. Cap. 22.* Upon any Pound Breach, 2. *Gul. 4.  
Mar. Sess. 1. Cap. 5.* or Rescue of Goods or Chattels Distrained for Rent, the Parties grieved thereby ſhall in a ſpecial Action upon the Case, Recover Treble Damages and Costs of Sute, against the Offenders therein, or against the Owners of the Goods Distrained, in Case the ſame be afterwards found to have come to his Use or Possession.

## Prerogative.

I. *Stat. 10. H. 7. Cap. 7.* All manner of Laws made within any City or Town within the Land of *Ireland* contrary to the King's Prerogative, ſhall be Repealed, Revoked and Deemed void in the Law.

## Presentation.

I. *Stat. 10 & 11. Car. 1. Sess. 4. Cap. 2.* All persons of full Age, *Sane Memorie*, and not Covert Baron, and all Bodies Politick and Corporate, who ſhall be Seized of any Estate of Inheritance in Possession of and in any Parfonages, Vicarages and other Benefices Appropriate within this Realm, may by their Writing under Seal, Present a lawful and ſufficient Clerk for the

## Prisage & Liberty. Prisoners.

the same, to the Ordinary or Metropolitan of the Diocess where the same lyes; who upon such Presentation shall Admift such Clerk, and him Institute and cause to be Inducted into the said Church and Benefice, which Presentation, and Admission, &c. shall be Inrolled in the Court of Exchequer, at the Charge of the Parson so Presented (or of the Party that presented him if he please) after which the said Appropriation shall be for ever Dissolved: and the said Rectory, Vicarage or other Benefice whatsoever it be Disappropriate, and thenceforth for ever shall become Presentative by the Donors thereof, their Heirs, Successors and Assigns, in such manner and form as other Churches Presentative, are by other Patrons, when and as often as they shall become void.

**H.** A Saving to the King, His Heirs and Successors, and all others (other than the said Donors and Devisors of any such Premisses, &c.) all their Right and Title.

### Prisage and Liberty.

**I. Stat.** 3. E. 2. Cap. 1. Great Lords shall take no Prises from the people without ready payment and agreement, nor shall Harbour or Sojourn at anothers House, against the Owners consent.

**II.** If any shall do so, such Prises and Distractions shall be helden for open Robbery, and the King shall have the Sute thereof, if others will not or dare not.

**III. Stat.** 10. H. 7. Cap. 18. No person whatsoever (upon pain contained in the Statute of Kilkenny, for taking of Coyne and Livery) shall take any Money or Horse meat, by colour of Gift or Reward or otherwise, by reason of menacing of any Husbandman or Inhabitant in the Country that denies.

**IV.** And if any Husbandman or Inhabitant Offend herein, by reason of such Menace, and do not disclose the Menacers Names, unto such Commissioners as shall Inquire in the Country, of Coyne and Livery, such Husbandman and Inhabitant shall Forfeit 100 shillings, for every time neglecting, One moyety to the King, and the other to the Informer, or such as will Sue for the same.

### Prisoners.

**I. Stat.** 17 & 18. Cvr. 2. Sess. 5. Cap. 8. The Justices of the Peace of every County within this Realm, at their respective General Quarter-Sessions, or the more part of them that are present, and the Mayor, Portriff, Sovereign, Sheriffs, Bailiffs, Aldermen, and other Head Officers of the Cities, Burroughs, Places and Towns Corporate, which be Counties of themselves, or the more part of them, present at their General Quarter-Sessions or Assemblies, shall Tax every Parish in the said County and Town Corporate respectively, at such reasonable Sum (towards the Relief of Prisoners in their Goals suspected for Felonies and other Misdemeanors) as they think convenient; and

and shall at the same Sessions or Assemblies, Nominate one or more of the Freeholders, or other honest and sufficient Inhabitants within each Parish, to Collect and Levy the same; and shall deliver them a Note in writing under the Hands of Two or more of the said Justices, or under the Hand of the Mayor, &c. containing the Sum of Money Taxed upon the Parish wherein they are appointed Collectors, who upon Receipt thereof, shall have Power to Demand and Receive the same: And if any of the Parishioners or Inhabitants, within any of the said Parishes so Rated, Refuse to pay their Shares of the said Taxation, then they may Distain the Goods of such Refusers, and Sell the Distreses or a sufficient quantity thereof, Restoring the Overplus to the Owners.

II. And if any find themselves grieved by any such Tax, or Act of the Collectors, then the greater Number of the Justices of the Peace Assembled at their General Quarter-Sessions, shall take such Order therein, as they shall think fit, and the same to Conclude, and Bind all Parties.

III. The Collectors shall once every Quarter of a year pay to the High-Constable of every Barony, and in Cities and Corporate Towns that are Counties, to the Aldermen of every Ward, all such Sums of Money as that Parish shall be Taxed at towards the Relief of the said poor Prisoners; and the said Aldermen and High-Constables shall, at every their General Quarter-Sessions, pay the same to the Receivers appointed by the said Justices, Mayor, &c. and the Receivers are Weekly to distribute the same, to such poor Prisoners as shall be Restrained in the said Goals, who have no Means to maintain themselves: And every of the said Collectors and Receivers, their Executors and Administrators, shall in open Court, at ever Quarter-Sessions of the County or Town Corporate respectively, make a true Accompnt upon Oath, of their Collections, Receipts, and Disbursements, before the Justices and Mayor, &c. respectively: And if any of them shall Refuse the Collection, or to pay and distribute the same, or to make a true Accompnt in manner aforesaid, then upon Information made thereof, unto any one of the Justices of the Peace of the County or unto the Mayor, &c. where the Parties so Refusing dwell, the said Justice, Mayor, &c. shall forthwith cause the said Parties to be Attached and brought before them, and require them to perform the said Collection, Payment, Distribution or Accompnt of the said Moneys (as the Case shall require) and as he ought to do, and upon Refusal, to Commit them to the Goal, there to remain, until they enter into Recognizance to the King (in such reasonable Sum of Money as the said Justice or Mayor, &c. shall appoint) to perform the same.

IV. If any shall be Sued for any thing done in pursuance of this Act, they may Plead Not guilty, or therwise may make Avowry and Cognizance or Jussification for the taking any Distresses,

# Prisoners.

Distresses, making of Sale, or other Act by virtue of this Act, Alledging in such Avowry, &c. that the said Distress, Sale, Trespass, or other thing whereof the Plaintiffs Complain, was done by Authority of this Act, and according to the Tenor thereof without any Expressing or Rehearsal of any other matter contained in this Act, to which Avowry, &c. the Plaintiffs shall be Admitted to Reply, that the Defendants did the same in their own wrong, &c. whereupon the Issue shall be Joined to be Tryed by a Verdict of 12 Men and not otherwise, as Accustomed in other personal Actions; and upon the Tryal of that Issue, the whole matter to be given on both Parties in Evidence, according to the very Truth of the same: And after such Issue Tryed for the Defendants, or Non Sute of the Plaintiffs, after Appearance, the Defendants to Recover Treble Damages with Costs, to be Assessed by the same Jury, or Writ to Inquire of the Damages as the same shall Require: And the Justices of Assize and Goal Delivery, are to give this Act in Charge at every General Assizes and Goal Delivery to be held within the several Counties of their Circuits, and to take special care to see the same duly Executed, and to punish such persons as they shall find negligent in the Execution of this Statute, or Delinquent against the same.

V. All Fines as shall be legally Assessed upon any persons Indicted upon this Statute, shall be Levyed by the Sheriff of the County where the Party shall be Indicted, by special Warrant of the Justices of Assize and Goal Delivery of the same County, and paid to the Clerk of the Crown of the said County; and he shall Distribute the same for the Relief of the poor Prisoners aforesaid.

**13. Car. 2. VI. Stat. 7. Gul. 3. Sess. 1. Cap. 25.** Every one having  
**Stat. 2.** Cause of any personal Action against any person being a Prisoner in Prison, may Sue forth an Original Writ upon his Cause  
**Cap. 2. En.** of Action, and that a Writ of *Habeas Corpus* shall be Granted to every such person being Plaintiff desiring the same, Directed to the Goaler or Keeper of the same Prison, to have the Body of such Prisoner before any the Justices of the King's-Bench or Common-Pleas, at some certain day in any Term, to Answer the said Plaintiff upon his said Cause of Action; and if the said Plaintiff at the said day, put in his Declaration into the said Court, according to the Original Writ against the said Prisoner, being present at the Bar, the said Prisoner shall be bound to Appear in person, or to put in an Attorney to Appear for him in the said Action; and unless the said Defendant Plead upon a Rule given to be out in 8 days at the least, after such Appearance, Judgment by *Nihil dicit*, may be Entered against him, and such Charge in Court by Declarations, Signified by Rule unto the Goaler or Keeper, shall be a good Cause of Detention of such Prisoner in Custody, for which he shall not be Discharged, without a lawful *Supersedeas* or Rule of Court:

And

And if the said Goaler or Keeper shall do otherwise, he shall be Responsible to the Court and the Party grieved for Damages, by Action upon the Case, to be brought against him for Discharging of such Prisoner.

VII Stat. 10. Gul. 3. Sess. 2. Cap. 1. All Persons who were 22 & 23 in Prison upon the First Day of August, 1697. for Debt or *Car. 2. c. 1.* Damages, or upon any Action or Actions, or upon any 20 & 30. mean Process for Debt, or other Actions, whatsoever, which *Car. 2 c. 1.* may become Judgments, or who have Judgments Entred up- 4. Engl. on Record against them, or are Charged in Execution, or Imprisoned upon Attachment for Debt, or upon Outlawries, before or after Judgment for Debt, or upon any other Process whatsoever, Issuing out of any Court of Law or Equity, for Debt, Damages or Costs only, who shall take the Oath hereafter mentioned, shall and may be Released from their Imprisonment, in such a manner as is herein after provided.

VIII. It's made lawful for any Justice of the Peace of any County, City, Town or Liberty, within this Kingdom, by Warrant under his Hand and Seal, to require the Sheriff, Goaler or Keeper of any Prison, within his respective Jurisdiction, to bring before him without Delay, the Body of any person being in Prison for Debt, or any other Action as aforesaid, on the Day aforesaid, (and Petitioning him to be Discharged) to some convenient Place, within the Distance of one Mile from the said Prison, and shall Certify the Cause and Causes of Imprisonment before him, which Warrant every such Sheriff, &c. is hereby Commanded to Obey: And in case such Prisoner coming before such Justice, shall take an Oath to this Effect, before the said Justice.

I A. B. Do, upon my Corporal Oath, Solemnly Profess and Declare, before Almighty God, That I am not worth, in Lands, Money, Goods or Stock, nor any other Estate, Real or Personal, in Possession, Reversion or Remainder, of the value of 5 pounds in the Whole, or sufficient to pay the Debt or Damage, for which I am Imprisoned: And that I have not directly or Indirectly, Sold, Leased, or otherwise Conveyed, Disposed off or Intrusted all, or any part of my said Money, Lands, Goods, Stock or Estate, whereby to Secure the same, to Receive or Expect any Profit or Advantage thereof, or to Defraud or Deceive any Creditor or Creditors whatsoever, to whom I am Indebted.

So help me God.

Then after the making of such Oath, the Justice may Remand the Prisoner to Prison, and shall without Fee give a Certificate thereof, in Writing under his Hand and Seal, to the said Prisoner, to be served upon such Persons, his or their Executors or Administrators, or to be left at the Place of their usual Abode, at whose Suit the said Prisoner standeth Charged and Imprisoned, thereby appointing as well the said persons as the said Prisoner to Appear before the Justices at

## Prisoners.

the next General Sessions of the Peace to be held for the same County, City Town or Liberty ; and when it shall Appear upon Oath, before the said Justices, that the said Certificate was so served or left, 10 days or more before the said Sessions, and that the said Oath taken by the said Prisoner be not disapproved, by good Testimony upon Oath, of any Credible person or persons ; then the said Justices being satisfied therein, shall without Fee, direct their Warrant under their Hands and Seals, Commanding the said Sheriff, Goaler or keeper of the Prison, to let at Liberty and Discharge the said Prisoner, if Imprisoned for the Causes aforesaid and no other, without paying any thing for the Fees or Chamber-Rent, which Warrant shall be a sufficient Discharge to the said Sheriff, Goaler or Keeper of the Prison, and no Action of Escape or other Action, shall be brought against them or any of them for the same.

**IX.** Provided that if any Creditor, shall Insist to have his Debtor, continued in Prison, after he hath taken the said Oath, and will allow him a Weekly Maintenance, to be appointed by the Justices of the Peace, not exceeding 14 pence the Week ; that such Prisoner shall be continued in Prison, for the space of 3 months, on payment of the said Weekly Allowance as aforesaid ; which said Money shall be paid Weekly to the Prisoner himself, and not to the Goaler, Keeper or any for him : And if within the space of 3 Months after such Weekly Allowance by any Creditor, no Estate of the Prisoner shall be made out, before two Justices of the Peace of that County and Division, where the said Prisoner is kept in Prison, then the said Prisoner without Fee, shall be forthwith Discharged, by Warrant under the Hands and Seals of any two Justices of the Peace of the same County or Division, where the said Prisoner shall be so imprisoned, to the Keeper of such Prison, in that Behalf directed, as fully as if such Prisoner had been Discharged by Justices of the Peace at the Quarter-Sessions ; and that then and from thenceforth, the said Weekly Allowance shall cease and determine, as if the same had never been made.

**X.** And no Prisoner Discharged out of Prison by virtue of this present Act, shall at any Time hereafter be Imprisoned, for or by reason of any Debt or Damages, or any Sums of Money Contracted or Grown due to, or Recovered by any persons at whose Suit the said Prisoner did stand Charged in Prison, or any other Persons to whom such Prisoner did give Notice under the Hand and Seal of some Justice of the Peace of the same County or place, the space of 10 days before the time of his Discharge, of his Intention to receive the Benefit of this Act, and of the Course he intended to take for obtaining the same, before the Time of their Discharge as aforesaid.

But

But that upon any Arrest for such Debt, &c. it shall be lawful for them, shewing a Duplicate of their Discharges, under the Hands and Seals of the Justices of the Peace, by whom they were Discharged, or of any 2 of them, or of such Justices of the Peace, in case such Prisoner be Discharged, after an Allowance of Maintenance, by the Creditors, for 3 months, as aforesaid; which the said Justices are hereby required to give without Fee, to every Prisoner so by them Discharged to Retain an Attorney to appear for them, and File Common Bail to every such Action, and plead thereunto, so that the Plaintiff (if he please) may Recover and enter Judgment against such Prisoner, to be Executed and Levyed upon the Lands, Tenements, Goods and Chattels of such Prisoner so Discharged as aforesaid, (his or her Wearing Apparel, Furniture for his or her dwelling House, the said Furniture and necessary Tools for his or her Occupation, not exceeding 5 pounds in value, only Excepted) but not upon the persons of the Prisoners, the Persons of such Prisoners being hereby for ever Freed and Discharged from Imprisonment for any Debt &c. contracted or due before the time of their Discharge, having had notice as aforesaid.

XI. If any Sheriff, Goaler or Keeper of a Prison, shall Refuse or Delay for three days, to bring before such Justice of the Peace, or after a Warrant of Discharge delivered to him, Refuse or Neglect to set at Liberty any Prisoner, according to the said Order, every such Goaler &c. shall Forfeit and pay to such Prisoner so Detained, 20 pounds, to be Recovered by Bill, Plaintiff, &c. in any of the King's Courts of Record wherein no Essoin, &c. shall be Allowed; and shall also be liable to such Fine and Imprisonment for such (time, not exceeding Two Months) as the said Justices shall (upon Complaint thereof to them made) Order and Award.

XII. Upon any Action of Escape or other Sute to be brought against any Justice of the Peace, Sheriff, Goaler or Keeper of Prison, for any thing done in Obedience to this Act, they may Plead the General Issue, and give this Act in Evidence, which shall be a good Discharge; and if the Plaintiff be Non-Sute, or Verdict pass against him, the Defendant shall have double Costs, to be Taxed by the Court where such Action is brought.

XIII. Provided that the Discharge of any Persons by vertue of this Act, shall not Free or Discharge any other jointly or severally bound for the said Debt, or any part thereof, either as Principal or Surety, but that they shall be Answerable for the said Debt and Damages, in such manner as they were before the Discharge of such Prisoners.

XIV. No Person by vertue of this Act, shall be Discharged out of Prison, who shall be Charged in Execution, with more than the Sum of 50 Pounds to any one Person, principal Money and Damages.

XV. If

## Prisoners.

XV. If any Prisoner who shall be Released by virtue of this Act, shall at any time afterwards be found, or suspected by any Creditor, to have in ready Money, Goods or Chattels, in his own Hands and Possession, or in the Hands of any others, to his or her use, in value over and above what he or she is Allowed by this Act, ( other than such Goods in his Shop or Work-house, as he shall have been Credited and Trusted with since the time of his Discharge, and for what he shall be really Indebted at the time of making such Oath ) and he or she will not or do not, upon convenient Demand, pay his or her Debts therewith, as far as the same will reach ; that then and in such Case, at the Request of any Creditor, the said Oath shall be Tendered to him or her again, by any Justice of the Peace Impowered to Administer the same, or by any Judge of the Court where there is Judgment against him, and he or she refusing to take the said Oath, shall be Remanded to Prison, in Execution for such Debts, any thing in this Act to the contrary notwithstanding.

XVI. This Act shall not Extend to any Persons in Execution for any Fine on him or her Imposed, for any Offence by him or her Committed.

XVII. Provided that such Persons, as are detained in Prison upon any measne Proces ( if it shall be desired by any Creditor before any Justice of the Peace, to whom such Prisoner has Applied for his Discharge ) shall forthwith give a Warrant of Attorney to some Attorney to Appear, or File Common Bail, for him or them in the Court out of which the said Measne Process Issued, and to receive a Declaration at the Parties Sute, and that such Prisoner shall thereupon have the full Benefit of this Law, as to the Liberty of his Person, against his said Imprisonment, upon the said Measne Proces, and against any Judgment or Execution that shall be had against him in that Sute, and against any other Sute that shall be brought against him for the same matter or cause of Action, to all Intents, as fully as if he had been Charged in Execution at the said Plaintiff's Sute, before the first Day of August aforesaid, but such Person in Prison upon Measne Proces, shall in case of such Refusal to give such Warrant of Attorney, lose the whole Benefit of this Act.

XVIII. No Merchant Stranger, or other Alien, or Foreigner that hath been Arrested and is in Prison, on any Action or Sute, ( for or by Reason of any Debt, or other Engagement Contracted or Entered into beyond the Seas ) shall have the Benefit of this Act ; but that all and every such Merchant Stranger, &c. shall and may be detained in Prison, and Proceeded against, as if this Act had never been made.

XIX. No Prisoner shall be discharged by virtue of this Act until he shall before the Justices of the Peace who are by this Act Impowered to Discharge him, declare upon his or her Corporal Oath, what Effects are belonging to him or her, and what

what Debts are then owing to them, within any his Majesties Dominions or elsewhere, and by whom, and for what Cause, and upon what Security; of all which a Schedule shall be made in the presence of such Justices, and Subscribed by the Prisoner; and shall be by such Justices Returned to the next Quarter-Sessions, there to be kept for the better Information of the Creditor of such Prisoner, who, or such of them as will join, may thereupon Sue for Such Debts, or so much thereof, as will reasonably satisfy them, in the Name of the Prisoner; and after the same Recovered and Received, to Render the Overplus thereof (their own Debts and Charges first Deducted) to the Prisoner.

XX. If any Person who shall in pursuance of this Act, take his Oath for any the purposes hereby appointed, shall For-swear or Perjure him or herself, then such person being lawfully Convicted thereof, shall over and above the Penalties which may by the Law now in being, be Inflicted, suffer Im-prisonment for the space of 7 Years without Bail.

### Priviledge.

I. Stat. 28. H. 6. Sess. 1. Cap. 4. The Chancellor, Justices and Barons, and their Ministers, shall not make any Writs of Privilege directed to Officers of Liberties or elsewhere, but only for the Ministers Servants or Yeomen continually Abiding with them.

II. He that pursueth such Writ of Priviledge (being no servant, &c. continually Abiding as aforesaid) shall pay to the King 100 shillings, and to the Party grieved 100 shillings, by Bill or Writ grounded upon the Ordinances aforesaid.

III. And the Chancellor and Justices, shall suffer none to Sue out Writs of Privilege, calling them their Ministers, Servants or Yeoman, if they be not so, and continually Abiding with them, the King shall have 100 shillings, and the Party grieved 100 shillings, against him that Sueth out such Writ otherwife, to be Recovered as aforesaid.

### Process.

23. H. 8.

I. Stat. 10. Car. 1. Sess. 2. Cap. 15. Like Process shall be had in every Action to be brought upon the Statute of 5 R. En. Ve, 2 Cap. 7. And every Action upon the Case, as in a Common Bro. Exi-Action of Trespass at the Common Law; and that also likegent, 22. Process shall be had in every Writ of Annuity and Covenant 53, 63, & to be sued as in an Action of Debt.

Cap. 14.

En. Ve,

Bro. Exi-

Action of Trespass at the Common Law;

and that also likegent, 22.

Process shall be had in every Writ of Annuity and Covenant 53, 63, &

to be sued as in an Action of Debt.

Bro. Pro-

cess 12.

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### Proclamation.

I. Stat. 11, 12, & 13. Jac. 1. Cap. 8. In every personal Action, where any Writ of Exigent shall be awarded out of any Court, a Writ of Proclamation shall be also awarded and made out of the same Court, of the same Tete and Return Ve. I. H. 5 with

31 El.

Cap. 3.

Engl.

16. H. 8. with the *Exigent*, and shall be Directed and Delivered of Record to the Sheriff of the County where the Defendant, at the time of the *Exigent* so Awarded, shall be Dwelling; which Utury 34. Writ of Proclamation shall contain the Effect of the same Hetleys Action.

*Rep. f. 95. Goldsb. Rep. 128.*

*Cro. El. f. 371.* II. And the Sheriff shall thereupon make 3 Proclamations, viz. One in full County Court, another at the General Quarter-Sessions of the Peace in those parts where the Defendant, at the time of the *Exigent* awarded, shall be Dwelling, and the last, one Month at least before the *Quintus Exactus*, by virtue of the said *Exigent*, at or near the most usual Door of the Church or Chappel (or in case there be none) in the Church Yard of that Town where the Defendant shall be Dwelling at the Time of the said *Exigent* Awarded: And if he be Dwelling out of any Parish, then in such place as aforesaid of the Parish of the same County and next Adjoining to the place of the Defendants Dwelling, and upon a *Sunday*; and all Out-lawries otherwise had shall be void.

III. The Officer for making the *Exigents* and Proclamations, shall, take no more for making of any such Writs, or Entring the same of Record but 6 pence *Sterling*; and the Sheriff for making the Proclamation, at or near the Church or Chappel Door as aforesaid, 12 pence *Sterling* and no more.

IV. Before the Allowance of any Writ of *Error*, or the Reversing of any Outlawry be had by Plea or otherwise, for want of any Proclamation, the Defendant shall put in good Bail to Appear and answer the Plaintiff, and also to satisfy the Condemnation, if the Plaintiff shall begin his Sute within 2 Terms next after the Allowing of the Writ of *Error*, or otherwise Avoiding of the said Outlawries.

#### Promise Collateral,

23 Car. 2.  
Cap. 3. En.

I. Stat. 7. Gul. 3. Sess. 1. Cap. 12. From and after the Feast day of the Nativity of St. John the Baptist, 1696. No Action shall be brought to Charge any Executor or Administrator, upon any special Promise to answer Damages out of his own Estate, or to Charge the Defendant upon any special Promise to Answer for the Debt, Default or Miscarriage of another Person, or to Charge any person upon any Agreement made upon any Consideration of Marriage, or upon any Contract or Sale of Lands Tenements or Hereditaments or any Interest in or concerning them, or upon any Agreement that is not to be performed within the space of one Year from the making thereof, unles the Agreement upon which such Action shall be brought or some *Memorandum* or Note thereof shall be in writing, and signed by the Party to be Charged therewith, or some other Person thereunto lawfully Authorised.

pro-

## Protection.

I. Stat. 3 E. 2. Cap. 3. None shall give Protections but the King, Except Lords of Royal Franchises within their Franchises.

II. Such as Offend herein, as well the Receiver as the Giver, shall be at the King's will.

III. Stat. 18. H. 6. Cap. 4. No Protection (*Quia proesturus est ad partes Transmarinas*) shall be Sealed under the Great Seal of Ireland, before the Party make Oath in Chancery, that the Cause comprised therein is true.

IV. The Plaintiff may Averr, that the Defendant after the Date of such Protection, by the space of 6 weeks had time to go into the King's Service, and was not Lett by Wind, nor other reasonable cause, and if that be found, the Protection to be void.

V. Such Protection Allowed within the 6 weeks and the Party not going, having Wind and Shipping Reasonable, and no reasonable Excuse to hinder him, then the Party (against whom the Protection was allowed) shall forthwith have a Writ or Bill of *Deceit* against him in any of the King's Courts; and a Bill or Plaintiff of *Deceit* in any Court of a Franchise, and Recover double Damages, and no Protection shall be allowed in such Writ, Bill or Plaintiff.

*Ve. Fitz.*  
*Protection.*  
 4. 10. 20.  
 24. 34. 46.  
 48. 53. 56.  
 125. Co.  
 Lit. 130.a.  
 b. 131.a.b.

## Protestant Subjects.

I. Stat., 1. Gul. & Mar. Sess. 2. Cap. 9. Engl. No persons whatsoever of the Protestant Religion, shall be lyable to any Loss, Forfeiture or Prejudice in Estate, Office, Person, or otherwise, by reason of their absence, out of Ireland, at any time since the 25th Day of December, 1685. or for Non-payment of Rent, or any other Duty due to their Majesties, or the Crown, by reason of any Lands, Tenement, Rectories, Tythes or Church-Livings, since the 25th day of December, 1688. till such time as the said Kingdom shall be Declared by their Majesties to be Reduced to their Obedience.

II. The Protestants of Ireland shall be and are hereby Restored to all their Possessions, Ecclesiastical and Temporal in such manner, as they or those under whom they Claim had the same on the 25th day of December, 1688. And persons detaining such Possessions after a Demand by the Party grieved, may be proceeded against as in Case of Forcible Detainer.

## Provisors.

I. Stat. 32 H. 6. Cap. 1. All Statutes against Provisors as well in England as in Ireland, shall be had and kept in Force within this Land.

Stat. 6. cap. 1. Engl.

25. E. 3.  
 Stat. 5.  
 Cap. 22.  
 25. E. 3.

II.

13 R. 2. II. He who Sues any Provision against any Man Beneficed in Ireland, and by vertue thereof enters into any Benefice of the Church and takes any Goods or Chattels from any against whom such Provisions are Sued, the Party grieved shall Recover Treble Damages, and the Offender, being thereof Convinced, shall pay 20 pounds, half to the King, and half to him that will Sue.

16 R. 2. cap. 5. 2. H. 4 Cap. 3. 4. 7 H. 4. cap. 8. 3. H. 5. III. Stat., 7 E. 4 Cap. 2. He that shall purchase and Accept any Benefice to hold in Commendam by Bulls of the Pope, shall be out of the King's Protection, and shall Forfeit the value of the said Benefice during his Natural Life; and shall Incur all the Penalties of the Statute made against Provisors of Benefices; and no Pardon or License of the King shall avail him, if it be not by Act of Parliament.

IV. And if any by vertue of such Bulls, Occupy any Benefice in Commendam of his own Collation, he shall make Collation thereof within 6 Months, or else the Dean and Chapter of the Diocese, where it is, shall make Collation of it within 6 months then next following.

V. And if the Dean and Chapter make no Collation within the said time, then the King shall present to the Benefice for that time as often as the Case requires.

VI. Stat., 7 E. 4 Cap. 3. All Letters Patents of the King of Pardon, to all that Claims any Title to any Benefice by the Pope's Bulls, such Benefice being full of an Incumbent at the time of obtaining the Bulls, shall be void and of none Effect.

VII. Stat., 10 H. 7. Cap. 5. All Statutes made in England and Ireland against Provisors are Confirmed, and to be duly put in Execution in this Land.

VIII. And the King's Justices and Commissioners to Inquire diligently at their Sessions, of such as Offend against the said Statutes or any of them, and to punish and make them Exemplary to others in time to come, according to the purport of the said Statutes.

### Quit-Rent.

I.  T A T. 9. Gul. 3. Sess. 1. Cap. 29. In this Act for Granting an Additional Duty upon Tobacco, &c. there is a Clause, that after the payment of 50000 pounds Sterling, in the first place paid to the King, that there shall be (amongst other things) 21027 pounds 3 shillings 6 pence half penny, further paid to the King, out of the said Additional Duty, in full Discharge of the Arrears of Quit Rent, Crown Rent and Composition Rent, due to Him out of the Houses and Lands that were Returned to be Waste from the 25<sup>th</sup> day of March, 1692. to the 25<sup>th</sup> day of March, 1695. and that the said Lands, &c. so Returned, be Free and Discharged of and from the Rents and Arrearages thereof, Incurred during that time; and that no Officer or other person what-

whatsoever, do Distain or Issue any Process for the same, under the pain of paying to the person grieved thereby, double Costs and double Damages, for such unjust Molestation.

II. And the Commissioners of the King's Revenues, from the Books and other Papers that have been Transmitted to them from the Collectors before the 21<sup>st</sup> day of *August*, 1697. are to make a particular Accompt in Writing, of such Arrears as aforesaid: And in case they do not exceed the aforesaid Sum, (and if they do) then an Apportionment shall be made of the said Rents, so that the Accompt shall not exceed it; and the Commissioners to deliver the said Accompt into the Office of the Auditor-General, before the 25<sup>th</sup> day of *March*, 1698. To which all persons shall have Free Access without Fee or Reward: But no such Arrears to be Discharged, that are Charged, on any Houses or Lands for being Wasted, unless such particular Arrear be contained in the said Accompt of Arrears, to be Charged as aforesaid. And in case the Commissioners Refuse or Neglect to make Delivery into the Auditor's Office, the said Accompt, within the time aforesaid, then to Forfeit Treble Damages to every person grieved thereby, to be Recovered by Action of Debt, &c. in any of the King's Courts at *Dublin*, wherein no Essoin, &c. shall be allowed.

III. And if any shall be molested contrary to the Intent of this Act, he shall not be obliged to Discharge himself by Plea or Record, from such Charge, but shall be admitted to Discharge himself, by Motion in the Exchequer without any Charge, and by shewing unto the said Court this present Act, and making it Appear by Affidavit and Certificate of the Auditor-General, that the said Rent for which he is Molested, became due between the 25<sup>th</sup> day of *March*, 1692. and the 25<sup>th</sup> day of *March*, 1695. inclusive out of Houses and Lands Waste as aforesaid, and are mentioned or comprehended in such Accompt Transmitted to the Auditor as aforesaid, &c. which Certificate he shall be obliged to give, on Demand, to the person requiring the same, without Fee or Reward.

## Quo Warranto.

I. Stat. 1. Gul. & Mar. Sess. 2. Cap. 9. Engl. All Cities Burroughs and Towns, and Bodies Corporate, Ecclesiastical and Temporal in *Ireland*, are hereby declared to be Restored to all Intents and Purposes, as they were upon the 24<sup>th</sup> day of *June*, 1683. any Proceedings against them by *Quo Warranto*, *Scire facias*, &c. on any Proceedings, Judgments or Executions thereon, or any New Charter, Grant, Commission or any Surrender or other Acts since that time to the contrary notwithstanding.

II. All which Writs, Suits, Proceedings, Judgments, Seisures, Executions, Charters, Grants, Commissions, and Surrenders, are hereby Declared void.

I. Gul. &  
Mar. Sess.  
2. Cap. 9.  
Engl.

6 R. 2. Cap.

6. Eng. Ve.

5. E. 4. f. 6.

9. H. 7. fo.

25. Co. 3.

Rep. f. 61.

Plow. Com

f. 5. 5. E. 4.

fo. 58.

1. H. 6. f. 1.

Bro. par.

89.



**C A T.** 6. R. 2. Cap. 6. Both the Ravisher and Ra-vished (where she Consents after the Fact) are Dis-abled to have or Challenge any Inheritance, Dower or Joint Estate after the Death of their Husband or Ancestor, but that the next of Blood to such Ravisher or Ra-vished (after the Rape Committed) may Enter and Enjoy the same.

II. In Appeal of Rape, the Husband's Father or next of Blood, shall have the Sute, to Convict them of Life and Member; and the Defendant shall not be Received to Wage Battle, but the truth of the matter shall be Tryed by Jury.

III. Escheats of the Ravishers (if Convicted) are Saved to the King and other Lords.

IV. Stat. 8. E. 4. Cap. 1. The Act last mentioned of the 6. R. 2. being an English Statute, and in doubt whether it ought to be observed in *Ireland* or no, is by this Statute Confirmed and made of Force in *Ireland*; and so are all other Statutes and Acts, made by Authority of the Parliament of *England*.

7 En. Co. 3. Inst. f. 65. 214. &c. 11. Rep. f. 33. Suffer pains of Death, without any Allowance of the Privi-  
Hob. Rep. f. 291.

V. Stat. 11, 12, & 13. Jas. 1 Cap. 3. If any person or per-sons Commit any Felonious Rape or Ra-vishment of any Wife, Widow, Maid or Damosel, they shall Receive Judgment, and

*Langford, Esq; James Hooper, Esq; John Cary, Gent. Sir Henry Sheers, Kt. Thomas Harrison, Esq; William Fellows, Esq; and Thomas Rawlins, Esq;* (Trustees for putting the Powers of this Act in Execution) and their Heirs, Executors, &c. from 2 November, 1699. to the end the same may be Sold and Disposed of, for the Uses mentioned in this Act. And where any of the said Persons were Seized of an Estate Tail only in the said Honours, Manours, &c. the same are hereby Enacted to be Vested in the said Trustees and their Heirs in Fee-Simple, to be Sold and Disposed of as aforesaid.

II. All Grants, Demises, Custodians, &c. or Dispositions whatsoever, since the said 13<sup>th</sup> February, 1688. Made or Granted under the Great Seal of England or Ireland, or Seal of the Exchequer in Ireland, or by Act of Parliament in Ireland, of any of the said Forfeited or Forfeitable Estates or Interests, or of the said late King James, or of any the Quit-Rents, Composition-Rents, or Chieftains belonging to the Crown of Ireland, are Declared null and void.

III. A Proviso not to make such Grantees, their Heirs, Executors, &c. Accountable for the Profits of such Honours, Manors, Lands, &c. by any of them received before the said 2d November, 1699.

IV. A Proviso, that if any persons having any Estate, Right, Title or Interest in, or to any of the Estates or Interests, so as aforesaid Vested in the said Trustees, before and upon the said 13<sup>th</sup> February, 1688. or if the Heirs, Executors, &c. of any such persons, have surrendered or released to His Majesty and the late Queen, or unto His Majesty, such Estate, Right, Title or Interest, and since accepted any new Grant or Demise thereof, every such person is declared to be Restored to the same Estate, Right, &c. which he might or would have had in or to such Premisses, if no such Surrender or Release had been made.

V. Proviso not to take away or prejudice any Estate, Right, Interest or Demand whatsoever, which any persons (Adjudged to be Comprised within the Articles of Limerick or Galway) or their Heirs, Executors, &c. had, have, or may Claim, in, to or out of any part of the said Forfeited or Forfeitable Premisses, but every such Adjudication is Confirmed.

VI. A Proviso, not to Impeach or Prejudice any Persons, Property, or Interest, as to any Goods or personal Chattels whatsoever, who in pursuance of Their Majesties Declaration, Submitted to Their Authority by the time therein Limitted.

VII. A Proviso, that the Trustees shall take the Oaths Appointed, Anno 1. W. & M. and the Oath in form following. viz.

1. That they will Faithfully and Impartially, to the best of their Skill, Execute the Trust reposed in them by this Act of Parliament, without Favour or Affection, Prejudice or Malice.

2. That they will not directly or indirectly take any Fee or Reward, for any thing done in Execution of the said Act (except

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cept only what shall be Allowed by the said Act or any other Act of the Parliament of *England*) and will not, either in their own Name, or any in Trust for them, Purchase from the said Trustees, any Real or Personal Estate whatsoever, Vested by the said Act in the said Trustees.

3. That they will not directly or indirectly have any part or make any Benefit by the Discovery of any Forfeited Estate, or Interest, made in pursuance of this Act.

The said Oaths to be Administred by any 2 or more of the said Trustees, and Memorials thereof to be Registered in the Books of their Acts and Proceedings: And the Trustees or any 7 or more of them, to Appoint Registers, Clerks, Surveyors, Messengers, &c. who are faithfully to Execute the Trust Reposed in them, without taking any thing therefore (other than what Fees, Salary or Reward, as the said Trustees or any 7 or more of them shall Appoint) And the said Registers, &c. before they Enter upon their Office, to take an Oath before any 2 or more of the said Trustees, for the due Execution of their Trust, and not directly or indirectly in their own Names or any in Trust for them, to purchase any part of the Premisses, Vested in the said Trustees; or have any part, or make any Benefit by any Discovery of any Forfeited Estate or Interest. And the said Trustees or any 7 or more of them, may Meet and Assemble from time to time, with or without Adjournment, at such place or places in *Ireland* as they shall think fit; and may send their Precepts for any persons whatsoever in *Ireland*, and for all such Books, Papers, Writings and Records as they shall think necessary for their Information, and may keep them as long as they have occasion for them, and then to Return them: And they may Administer Oaths for Discovery of the Truth of their Inquiries; and all Sheriffs, Bailiffs, Constables, &c. are to obey their Orders; and the said Trustees or any 7, &c. may Summarily and without the Formalities of Proceedings in Courts of Law or Equity, Proceed, Assemble and Determine, by Examinations upon Oath, Inspections of Deeds, Writings and Records, or otherwise, according to their Discretions: And are as soon as may be, to Inquire and Inform themselves, and make a Registry in Books to be provided for that purpose, of the Names of all such persons Convicted or Attainted, or who shall be so, and of all real and personal Estates Vested in the said Trustees, and by whom Forfeited or Forfeitable, and of what Estate such persons had in the Premisses, on the said 13<sup>th</sup> February, 1688. or at any time afterwards; and of all Incumbrances whatsoever, such Estates were liable or subject to, before or upon the said 13<sup>th</sup> February, 1688. And persons Summoned, neglecting or refusing to Appear before the Trustees, or to be Examined, may by the said Trustees or any 7, &c. be Committed to the Common Goal of the County, without Bail till they Conform: And Officers not Obeying their Precepts or Orders, may by any 7, &c. be fined, not exceeding 40 pounds.

VIII. Persons making a true Discovery to the Trustees in Writing, of their Debts due to such Convicted or Attainted persons (not being a Debt by Judgment, Statute or Recognition) before the 1<sup>st</sup> of November, 1700, and paying 2 Thirds thereof, as the Trustees or any 7, &c. by their Warrant, shall direct, shall be Discharged of the whole Debt; but persons neglecting to make such Discovery, shall Forfeit double the value of the Debt; and persons who were or have been possessed of any Personal Goods or Chattels, of, or belonging to persons so Convicted or Attainted, on the 13<sup>th</sup> of February, 1688, or any time since, or shall be possessed before the said 1<sup>st</sup> of November, 1700, are to Discover the same to the Trustees before the said day, and upon such Discovery, they are to have a Fourth part of the said Goods or the proceed thereof allowed; but persons neglecting to make such Discovery, shall Forfeit double the value thereof: And the said Trustees or any 7, &c. may make any such Compositions or Agreements touching such Debts, Goods or Chattels so Discovered as they shall think fit, and Debts due and Secured by Penalties, or Owing upon Accounts not Adjusted, the Trustees or any 7, &c. may Settle and Determine the same; and persons not so Indebted nor Possessed of any such personal Goods or Chattels, who shall at any time after the said 1<sup>st</sup> of November, 1700, Discover any such real or personal Estate whatsoever, until such time Concealed, whereof any persons Convicted or Attainted, or who shall be Convicted or Attainted, or any in Trust for them, were Possessed or Interested in *Ireland*, on the said 13<sup>th</sup> of February, 1688, or at any time since, every such Discoverer shall have 5 shillings out of every 20 shillings, or the value thereof, out of such personal Estates so Discovered, after Seisure, Recovery or Receipt thereof, or the value thereof, by the said Trustees or any other persons by them, or any 7, &c. Appointed to Receive the same; and out of all Lands, Tenements, &c. of the yearly value of 20 shillings so Discovered, after Sale thereof by the said Trustees or any 7, &c. such Proportion not exceeding a 4<sup>th</sup> part of the value thereof as they shall think fit; and the said Trustees or any 7, &c. shall under their Hands and Seals, Certify to the Lords Justices or Chief Governor of *Ireland*, the Names of the persons making such Discovery, and the Sums they are Intituled to, by reason thereof; and the said Chief Governors, upon the Receipt of such Certificate, without any other Authority whatsoever, are to cause the same to be paid, out of such Monies as shall be paid into His Majesty's Exchequer in *Ireland*, by reason of such Discoveries.

IX. A Proviso, that Goods or personal Chattels really and *Bona fide*, Sold by His Majesty's and the late Queen's Commission, and the Monies *Bona fide* answered and paid to His Majesty and the late Queen, or to His Majesty, such Sales Declared to be good.

X. Per-

## Rebellion and Rebels.

X. Persons not standing Convicted or Attainted, or that shall not be Convicted or Attainted before the last day of Trinity Term, 1701. shall not be Prosecuted for any High-Treason, Committed by them during the said late Rebellion of *Ireland*.

XI. All persons whatsoever, Bodies Politick and Corporate, except the King, His Heirs and Successors, and those Claiming under Him and the late Queen, or under Him alone, and except all such Forfeiting persons as aforesaid, and their Heirs, Executors, &c. and those Claiming under them any thing in the Premises, or in Trust for them; and except such persons Claiming any Estate in Reversion or Remainder of an Estate Tail, whereof any Forfeiting person was Seised as aforesaid, on the said 13th of February, 1688. having any Right, Title, Interest, &c. Charge or Incumbrance whatsoever in Law or Equity, in or to any the Lands, Tenements, &c. or to any real or personal Estate in *Ireland*, herein before Vested in the said Trustees, before the said 13th of February, 1688. or by reason of any Settlement, Judgment, &c. Charge or Incumbrance, affecting the said Estate before the said day, shall on or before the 10th of August, 1700. Enter their Claims and Demands thereunto, before the said Trustees, or any 7, &c. in such manner as is herein after mentioned, or in Default thereof, every Estate, Right, Title, Interest, &c. to the said Premisses shall be void. And the Estates so aforesaid liable thereunto, Discharged of and from the same. And all such Claims of Infants, shall be made by their Fathers or Guardians, of *Feme Coverts* by their Husbands, of Mad-Men, Ideots and Lunaticks, by those under whose Care and Custody they are.

XII. All such Claims shall be made and tendered to the said Trustees, or any 7, &c. Written in Parchment, and Signed by the Party making the same; or such other persons as aforesaid on their behalf, and such Signing Testified by 3 or more Credible Witnesses, who shall Subscribe their Names thereunto, to Attest the same; and every Claimant shall therein particularly express his Demands out of the Premisses, and by virtue of what Grant, &c. Title or Incumbrance he or they do Claim the same, and if by virtue of any Incumbrance for any Debt, then to set forth the Dates and Contents thereof, and the Witnesses thereunto, and if Recorded, when and where Entered of Record, and whether such Debt was and is really due, and remains wholly unpaid, or how much thereof hath been paid or satisfied, and how: And every such Claim shall be Entered by Order of the Trustees in Books kept for that purpose; and the said Trustees, or any 7, &c. shall Hear and Determine the same at any time after the Entry thereof, and before the 25th of March, 1701. and they are to appoint some reasonable time when they intend to proceed to the Determination of such Claim.

XIII. Claimants

XIII. Claimants shall answer their Claims upon Oath, if required, and upon Oath produce before the said Trustees, or any 7, &c. at the hearing such Claims, all such Writings as are in their Custody or Power, concerning the same, the Oath may be Administred to Claimants and Witnesses in *England*, by any of the Judges of the Courts of King's-Bench, Common-Pleas or Exchequer at *Westminster*, and to persons Residing in *Ireland*, by any 7, &c. of the Trustees; and if such Claim shall not be allowed by them, such Claimants then, their Heirs, Executors, &c. shall be for ever Debarred; and the said Trustees, or any 7, &c. may in such Cases, dispose of such Writings as they think fit.

XIV. Persons making false Claims, shall Forfeit double the value of the things Claimed, the same to be ascertained by the Trustees, or any 7, &c. and Witnesses wilfully and corruptly Forsworn, being thereof lawfully Convictid, shall suffer as in case of wilful and corrupt Perjury, and have 6 months Imprisonment; and Claimants, upon hearing their Claims, proving the same by good proof upon Oath or otherwise, to the satisfaction of the Trustees, or 7, &c. then they are to allow the same.

XV. The Trustees, or any 7, &c. for Executing the powers relating to such Estates and Claims, shall be a Court of Record, and their Judgments or Decrees, shall be Entred of Record in Books of Parchment to be provided for that purpose, and shall be Obeyed by all persons concerned therein, and shall be Final, notwithstanding any Disability in the Claimants; and all Infants, *Feme Coverts*, Ideots, persons of *Non Sane Memorie*, or beyond the Seas, Corporations, and all other Persons, Bodies Natural and Politick, their Heirs and Successors, and their Interests, shall be concluded by such Judgment.

XVI. Claims allowed by the Trustees or any 7, &c. shall by the same Trustees so allowing such Claims, for the better Security of such Claimant, his Heirs, Executors, &c. be Certified, if required, under their Hands and Seals, containing the substance of such Claim; and such Certificate or a Copy of the Decree Entred in their Books, shall be allowed in all Courts, as Evidence of the Allowance of any such Claim; and such Estate, Right, Title, Interest, &c. or Incumbrance so allowed, shall never after be called in Question by the King, His Heirs or Successors, or by the Trustees, or any Claiming under them, or any of them, subject nevertheless to the power herein after given to the said Trustees or any 7, &c. concerning the same.

XVII. All Conveyances of Lands, Tenements, &c. or real Estate whatsoever in *Ireland*, made at any time after the 29th of May, 1686. by any person since Convictid or Attainted, or that shall be Convictid or Attainted as aforesaid, for his own Use, or for the Use of his Wife, or any of his Children, or in Trust for any such Uses (other than such as were made *Bona fide*

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fide before Marriage, or in performance of any Agreement made and reduced into Writing before Marriage) and all voluntary Assurances whatsoever made since the said time, are Declared Fraudulent; and no Claim made by any person whatsoever, to be allowed thereupon by the Trustees or any 7 or more of them.

XVIII. Incumbrances satisfied by, Assigned to, or in Trust to other persons, Claims made in respect thereof, shall be allowed for so much as was really paid thereon, to Satisfy or Prosecute an Assignment thereof; and that no Debtors to any such Convicted or Attainted persons, by virtue of any Mortgage, Judgment, &c. or otherwise, who have or shall, before the 10th of March, 1699. pay or satisfy such Debts, or any part thereof, to any Grantees from the Crown, of such Forfeited Estates, or to their Executors, &c. shall be Discharged for so much as was really paid and satisfied; but such Grantees, their Executors, &c. who have received such Monies for their own use, shall Repay the same (Costs of Sute for Recovering thereof, to be Ascertained by the said Trustees or 7, &c. being thereout first Deducted) into the Exchequer in *Ireland*, on or before the 24th of August, 1700. under Penalty of Forfeiting double the Sum required to be paid.

XIX. The Trustees or any 7, &c. are to direct the payment of such Monies, as is due to any Forfeiting persons, by virtue of any Assurance, Mortgage, Judgment, &c. into the Exchequer in *Ireland*, and upon Certificate thereof from the proper Officer (who is to give the same without Fee) the Trustees or any 7, &c. are to Discharge Parties so paying the same, their Heirs, Executors, &c. and their Lands, &c. by Vacating such Securities, or otherwise, as the Case shall require.

XX. The Trustees or any 7, &c. shall as soon as conveniently may be, secure all such Goods and personal Chattels, in such Places and in the Custody of such persons, as by them shall be thought most proper, for preventing Loss or Imbezzlement, and cause Inventories to be made thereof, by whom Forfeited, and when and by whom Delivered to the Trustees, or any other persons by them appointed to receive them: And shall cause a just Appraisement thereof to be made upon the Oaths of 2 persons, to be appointed by them for that purpose, which Oath they or any 2 of them may Administer, and they or any 7, &c. are to Sell the same (giving 3 days Notice of the time and place, when they intend to begin the Sale, and of the particulars to be sold) by Cant or Auction, to those who shall bid most for the same in *Sterling Money*, as such Money is valued in *England*, so as such Money be equal, or exceed the Appraisement thereof, or if they find it necessary, they may Sell in the manner aforesaid, at a lower Rate than the Appraisement, and immediately, upon such Sale, to make an Entry thereof in their Books, of the particulars and of the Buyers Names, places of Abode, and Prices agreed upon.

XXL The

XXI. The Trustees or any 7, &c. shall give a Note under their Hands and Seals, unto the Buyers (if insisted on) of the Particulars Bought, and the Prices and time of Sale; and the Buyers thereupon shall pay the Prices Agreed upon into the Exchequer in *Ireland*, at such time as the Trustees or any 7, &c. shall appoint, and upon Certificate of the payment thereof, shall Order the Delivery of the said Particulars, to the Buyers or their Assigns, but if the Money be not paid within the time appointed, the Buyers for such Default shall Forfeit one Third part of the Sum Contracted for; and the Trustees or any 7, &c. shall proceed to a New Sale thereof, unto any other person or persons, as if no Sale thereof had been made before.

XXII. After the time is Expired for Entring such Claims as aforesaid, the Trustees or any 7, &c. shall before 25th March, 1702. Sell the Estates and Interests Vested in them, and not Claimed within the time herein before Limitted for that purpose, as soon as conveniently may be, after 10th November, 1700. And the Estates and Interests Claimed, as soon as the Claims are determined, the said Sales to be made to any persons, Bodies Politick or Corporate, their Heirs, Successors, &c. who shall become Purchasers thereof, for such Estate and Interest as is Vested in the Trustees, of the time and place when they intend to begin to Expose to Sale any part or parcel of such Premisses, 14 days Notice at the least, shall be given by them, and the same Sale to be by Cant or Auction, Setting up the same at such Price as the Trustees or 7, &c. shall think fit, and who bids most for the same in *Sterling Money* as valued in *England*, shall be Reputed to be the Purchasers thereof, and the Contract shall be Immediately Entred in their Books, and what Estate and Interest they Sell, and the Buyers Names and place of Abode, and Prices Agreed upon; and the Buyers, if they require it, to have a Note in Writing of the Contract, under the Hands and Seals of the Trustees or any 7, &c. and thereupon the Buyers shall pay the Price Agreed upon into the Exchequer in *Ireland*, at such time as they appoint: And upon Certificate thereof, they shall Execute an Indenture of Bargain and Sale, of the Parcel so Bought and paid for, to the Buyers thereof, for such Estate and Interest therein, as they have Contracted to Sell the same; and every such Indenture shall Express the Consideration Given, and shall thereof Acquit and Discharge the Purchasers, their Heirs, Successors, Executors, &c. and shall be thereupon immediately Entred in their Books, and shall be then Delivered by them to the Purchasers, who shall cause the same to be Inrolled in the Chancery in *Ireland*, within 6 months after the Date thereof, paying 6 shillings and 8 pence per Skin; and no other or greater Fee or Reward whatsoever, and 12 for Entring a Docket thereof in the Auditors Office of the Exchequer in *Ireland*.

**XXIII.** All Persons, Bodies Politick and Corporate, may Purchase the said Estates and Interests, and keep them notwithstanding any Statute of Mortmain to the contrary; and all such Purchasers having any such Conveyance and Assurance as aforesaid, and causing the same to be Inrolled as aforesaid, are adjudged to be in the actual Seizin and Possession of such Premises: And the Trustees or any 7, &c. (if need be) are to Issue out their Precepts to the Sheriffs or other proper Officers of the respective Counties, thereby Commanding them to cause Possession to be Delivered to such Purchasers, their Heirs, Successors, Executors, &c. or to whom they shall appoint: And the Purchasers and their Heirs, &c. shall Hold the same Freed and Discharged from all Arrears of Quit-Rents, Crown-Rents and Chieftries, at any time due before the Date of their Conveyances, and of all other Demands, but what are Allowed by the Trustees or any 7, &c. and also Freed and Discharged from any breach of Trust, which can or may be pretended to be Committed by the said Trustees, in not stricktly pursuing the Powers or Directions given by this Act, nevertheless the said Estates to be held of the King, His Heirs and Successors, as of His Castle of *Dublin*, by Free and Common Soccage Tenure, subject from the Date of such respective Sale and Conveyance, to such Crown-Rents, &c. as they were on 13<sup>th</sup> February, 1688. which Crown-Rents, &c. shall for ever hereafter remain and be for the support of the Government of *Ireland*, and shall be Unalienable: And all Grants and Incumbrances thereon, since the said 13<sup>th</sup> February, 1688. are declared null and void, Contractors for any such Purchase, not paying their Money within the time appointed, shall Forfeit one Fifth part of the Consideration Money Contracted for; and the Trustees or any 7, &c. may proceed to a new Sale of such Lands, Tenements and Hereditaments.

**XXIV.** A Proviso, that nothing in this Act shall make void any Grant of any Quit-Rent or other Rents, made in Consideration of any just Debts Released to the Crown, to the full value of such Grant, or make void any Grant for Reduction or Abatement of any Quit-Rent, where the same Abatement hath been made in Consideration of the Barrenness or Courseness of any Lands, out of which the same is Issuing, or for the better Improvement.

**XXV.** Forfeited Estates subject to Debts or Incumbrances or Rent Charges, the Trustees or any 7, &c. may either Sell any such part of such premises, subject to such Debts, &c. as may be sufficient to Clear the same, and thereby the Residue of the Premises, subject thereunto, or Sell any such Premises subject to such Debt, &c. by such Rules as aforesaid, to any Persons, Bodies Politick or Corporate, that will Purchase the same, subject to such Debts, &c. as shall be allowed by the Trustees or any 7, &c. upon Hearing and Determining the Claims thereunto;

unto: And where any Estates Directed to be Sold, stand Charged with Rent Charges or other Rents, and the Trustees or any 7, &c. find it necessary and convenient to Sell the same in parcels, then they may Apportion such Rents, issuing thereout according to their Discretion, and from thenceforth every Rent-Charge, &c. shall be Recoverable out of the respective Lands so Purchased, according to such Apportionment only, and not otherwise.

**XXVI.** All persons possessed of any Lands, &c. hereby Vested in the Trustees, shall before 10th August. 1700. give the Trustees or any 7, &c. a true Account thereof in Writing, of the Quantity and Quality of such Lands, &c. and under what yearly Rents, Covenants, &c. the same were or are held, and what is the utmost yearly value thereof, and upon Default thereof, or Fraud therein, to Forfeit 3 years value of the Rents and Profits thereof; and shall pay the Rents payable for the said Estates, from 2d November, 1699. till the time of the Sale thereof, to such persons and at such places, as the Trustees or any 7, &c. shall appoint: And upon Refusal or Neglect, to be by their Direction, Prosecuted in the Name of the King's Attorney General of *England or Ireland*, for the same, and when Recovered, to be paid to such persons, as they shall Direct.

**XXVII.** All Fines, Penalties and Forfeitures, Relating to the said Estates, Vested in the said Trustees as aforesaid, shall be Sued for in the Name of the King's Attorney General of *England or Ireland*, and when Recovered, shall be Applied to the same Uses as are herein Declared of and concerning the said Estates so Vested as aforesaid.

**XXVIII.** No Protection, &c. shall be allowed, to hinder any Sute, which shall be Commenced or Prosecuted against any persons whatsoever, in pursuance of this Act, or any thing to be done in Execution of the same, Relating to the said Forfeited Estates.

**XXIX.** The Trustees, or the Survivor or Survivors of them, their Heirs, Executors, &c. shall not be Accountable to His Majesty, His Heirs or Successors, or any other persons whatsoever for any Rents, &c. of the said Estates, Vested in them as aforesaid, or for any Quit-Rents, Crown-Rents, or other Rents, Chargeable out of the same to be King, His Heirs, &c. but shall be Discharged thereof, and of all Sutes, &c. in respect thereof.

**XXX.** Such Purchasers, upon any Alienation, Sale, Demise, &c. of any of the said Forfeited or Forfitable Estates, since 13th Febr. 1688. as have any part of the Purchase Money remaining unpaid, are Released from the payment thereof, and all Securities for the payment of the same Discharged.

**XXXI.** The Trustees or any 7, &c. shall allow to such Purchasers, as have since 13th Febr. 1688. Purchased the Inheritance of any part of the said Forfeited or Forfeita. 1. Estates,

the Sum of 21000 pounds, of lawful Money of *Ireland*, in equal proportion, according the Sums actually paid by them who shall prove such payment, before 10th August, 1700.

**XXXII.** The Trustees or any 7, &c. to give a Certificate under their Hands and Seals, of the said Proportions of the 21000 pounds which from the Date thereof shall Charge the Lands so Purchased, in nature of a Statute-Staple, and like Process and Execution shall be had thereon; but no such Allowance shall be made to any Purchasers, who by perception of profits or otherwise have been Satisfied their Purchase Money.

**XXXIII.** Such persons who by themselves, or any on their behalf, have Received such Purchase Money, their Executors, &c. shall be liable to Repay the Surplus above such Allowance as aforesaid, Discounting the mean Profits Received: For which such Purchasers shall have an Action of Debt upon this Statute, or may Sue in Equity the persons who Received the same to their own use, their Executors or Administrators, wherein no Essoin, Protection, &c. shall be allowed.

**XXXIV.** Such persons who since 13th February, 1688, have Entered upon any of the said Forfeited Estates, without any Grant thereof, shall Answer the value of the Profits during the time of their Occupation thereof, into the Exchequer in *Ireland*, before 1st August, 1700. or Forfeit double the value thereof.

**XXXV.** But if such persons before 10th July, 1700. Discover to the Trustees, such Lands, &c. so by them Enjoyed as aforesaid, they shall be Discharged from any Account of the Profits thereof, before 2d November, 1699.

**XXXVI.** Owners or Occupiers of the said Forfeited or Forfeitable Estates, and every other person, who since 10th May, 1695, have Committed, or any time before the Sales of such Premisses, shall Commit any Spoil, Waste, or Destruction in the Trees, Woods, &c. upon the said Lands Vested in the said Trustees, shall pay Treble Damages for the same, to be Ascertained by the Trustees or any 7, &c. who shall under their Hands and Seals make Certificates thereof into the Exchequer in *Ireland*, for Recovery whereof like Execution shall Issue forth, as in Case of a Debt due to the King.

**XXXVII.** The said Forfeited Estates or Interests, shall not be Charged with any Arrears of any Rent-Charge or other Rent, or Interest Money incurred during the late War or Rebellion in *Ireland* and Defaulters not Claiming their Right, Title, &c. to the said Forfeited or Forfeitable Estates, liable to the Payment of any Rent Charge, &c. from the Crown, since the Reduction of the said Kingdom; such persons who ought to have paid such Rent or Interest Money, their Executors and Administrators, shall before 1st November, 1700. pay the same into the Exchequer in *Ireland*, or in Default thereof, Forfeit Double the Sum of the Rent or Interest, so Neglected to be paid.

**XXXVIII.** A

**XXXVIII.** A Proviso, that in case of the Decease or Deceases of any of the said Trustees, the Survivors, or Major part of them (being 4 at the least) shall Execute and Perform all the Trusts and Powers of this Act.

**XXXIX.** Debentures for Arrears which became due to the Officers of the Army, which Served in the Reduction of *Ireland*, and in the late War against *France*, &c. and for Transport Service, and for Clothing the Army, and Talleys or Orders on the 3 shillings in the pound, *Anno 8. W. 3.* and upon Paper and Parchment, and Malt Tickets, and Exchequer Bills, and Talleys or Orders on the Quarterly Pole, *Anno 9. W. 3.* may be Tended in Payment, by any Purchaser or Purchasers of the said Lands, Rents, &c. and other the Premisses in *Ireland*, in Discharge of the Purchase Money or any part thereof, which shall be Agreed to be paid for such Lands, &c. shall be Accepted by the proper Officers of the Exchequer at *Dublin*; And the Interest shall be Allowed on the said Talleys and Orders, Malt Tickets and Exchequer Bills; which Debentures, Talleys, &c. so taken in, shall be Entred and Registered by the said Exchequer Officers in a Parchment Book: And the Trustees or any 7, &c. shall once in 30 days at least, during their Continuance in the Execution of their Trusts, Examine the said Books, with the Debentures, Talleys, &c. and Cancel the same; and they are every 3 Months during the time aforesaid, to Transmit to the Exchequer in *England*, a true Account of all the Debentures, Talleys, &c. Expressing therein their Dates, the Names of the Persons to whom the Money was Originally due, so far as the same shall Appear, and the Sums Allowed thereupon, for the Purchase or Consideration Money, and the Names of the Persons who Received the Benefit thereof, upon their Purchases.

**XL.** The Moneys Arising by this Act in *Ireland* (not hereby otherwise Applied) shall be Appropriated to the Discharging of the said Officers Arrears, Transport Service and Clothing, Principal and Interest Moneys due on the said Talleys and Orders, Tickets and Exchequer Bills and to no other use, under the Penalties and Forfeitures, &c. to be Incurred by this Act, for Misapplying any the Moneys, Arising by the Land-Tax in *England*.

**XLI.** Out of the first Moneys Arising by this Act in *Ireland*, there shall be paid to *Henry Earl of Drogbeda*, 1000 pounds of lawful English Money, or of so much lawful and Current Money of and in *Ireland*, as shall be equivalent thereunto; to *Francis Annefley*, Esq; the like Sum of 1000 pounds of like Money; to *John Trenchard*, Esq; the like Sum of 1000 pounds of like Money; and to *James Hamilton*, Esq; and *Henry Longford*, Esq; the like Sums, for their great Services, performed as Commissioners in Execution of certain Trusts Reposed in them, in the Act of Parliament,

## Rebellion and Rebels.

ment, made in the 10th Year of His Majesties Reign, Intituled, *An Act, &c.* And to Sr. Richard Levying, Kt. the Sum of 500 pounds of like Money; and to Sr. Francis Brewster, Kt. the like Sum, in Consideration of their Expences, in Execution of the same Trusts, &c. and to James Hooper, Esq; Secretary to the said Commissioners, the Sum of 1000 pounds of like Money, for the great Services by him performed in that Employment.

XLII. out of the Money arising by this Act in *Ireland* each of the Trustees, for his Labour, Pains, &c. in the Execution of his Trust, shall have 1500 pounds per Annum Salary, of like Money as aforesaid, to Commence from 25th March, 1700. to be paid Quarterly, during the Continuance of the actual Performance and Execution of their Trust, and by way of Imprest and upon Account such Sums of Money as shall be necessary to pay the Salaries of Inferior Officers, and for incident Charges, as to the Trustees or any 7, &c. shall seem meet: All which Allowances with the 21000 pounds for former Purchasers, shall be paid out of the Exchequer in *Dublin*, or by the Hands of any Receiver or Collector of the said Moneys, by the Warrants and Orders of the Trustees or any 7, &c. and without any other Warrant or Authority in that behalf.

XLIII. The Trustees or any 7, &c. may make so many of their Contracts for Lands, &c. for Money to be paid in lawfull Current Coins, as will enable them (with the like Money arising for Rents, &c.) to Discharge the Rewards, Salaries, Incident Charges, and all other Money Payments appointed by this Act: And if more Money shall arise upon this Act, in the Exchequer at *Dublin* in Specie, than will Satisfy all the Money Payments aforesaid, then the Trustees or any 7, &c. shall by their Warrants or Orders, cause all the Overplus to be Transmitted to the King's Exchequer in *England*, for the Appropriate use aforesaid; and such Overplus shall remain there, till the same shall be Disposed towards the said Uses or Purposes, and in such Proportions, Course, Order and Form, as shall be Agreed by Parliament.

XLIV. The Salaries of the Trustees, or their Inferior Officers, shall not be Taxable by Parliament in *England* or *Ireland*.

XLV. Officers or others having taken Grants of any Forfeited Estates or Interests in *Ireland*, in lieu of Arrears of their Pay or other Debts due from His Majesty, and Released Him of the same, shall be equally Intituled to such Arrears and Debts as if no such Release had been given.

XLVI. The Trustees or any 7, &c. as soon as conveniently may be, after 25th March, 1701, shall Convey the Church Livings, Tythes, Giebes, &c. Forfeited by reason of the said Rebellion, and Vested in them as aforesaid, to such persons and their

their Heirs, as the Bishop of the Diocese shall nominate, to the Intent the Profits thereof shall be Employed from 2d November, 1699, for 20 years next ensuing, in Rebuilding or Repairing such Parish Churches in *Ireland*, as the Lords Justices, &c. (with the Consent of the Bishop) shall appoint, and afterwards for the perpetual Augmentation of small Rectories or Vicarages, as the said Lords Justices, &c. under their Hands and Seals, with the Consent of the Bishop (where such Augmentation shall be made) shall Direct and Appoint, such Appointments before the 25th March, 1703, to be Inrolled in the Chancery in *Ireland*.

**XLVII.** A Proviso not to make void a Grant of 1500 pounds Sterling, made by the King and late Queen, out of the said Forfeited Estates, for the Repair of the Cathedral or other Churches in *Limerick*, or in respect of the said 1500 pounds only, or to make the Receivers thereof Accountable to the Trustees; nor to make void a Grant of the Lord *Sidney* now Earl of *Romney*, of a piece of Ground in the Suburbs of *Cork*, on which a new Church is lately Erected and Consecrated.

**XLVIII.** A Proviso also, not to Vacate the King's Letters Patents to Col. *Richard Gorges*, for Lands Claimed by him and his late Father, under the Acts of Settlement and Explanation.

**XLIX.** Nor to Vest in the Trustees any Lands of *Charles Lord Baltimore*, who being Out-Lawed by mistake, may Reverse the same.

**L.** A Proviso for *Edward Gobegan* of *Castle-Town* in the County of *West-Meath* for the Reversal of his Out-lawry, and Injoying his Estate.

**LI.** A Clause that the Estate of *William* late Earl of *Limerick*, (in case *Thomas Earl of Limerick* make no Claim as aforesaid, within the time Limitted by this Act) shall be Sold, and out of the Moneys arising thereby, the said *Thomas Earl of Limerick* and his Assigns, to have in full of all his Debts, Disbursements, Services, and Arrears of Pension, and Pretences to the Estate, the Sum of 8000 pounds.

**LII.** A Proviso not to make void a Grant, made by the King or the late Queen, in Trust for the use of the Wife of the late Lord *Kammare*, or her Children, or the Wife or Children of *Dudly Bagnel*, but that they should hold them during the Life of their Husbands.

**LIII.** Nor to Deprive *Anne* the Wife of *Christopher* late Lord *Slane*, of her Title in Equity to a Jointure, in case she Survive her said Husband, nor to her Separate Maintenance during Coverture, in pursuance of Marriage Articles made before 13th Febr. 1688, which could not be Executed by Settlements, by reason of his Minority; of which Title the Trustees or any 7, &c. are to Determine, as in other Cases of Incumbrances.

**LIV.** Nor

# Rebellion & Rebels. Recognizance.

LIV. Nor to Set aside the Grants made to Sr. *Thomas Pendergast* Baronet, or to *Francis de la Rue*, Esq; who so timely Discovered the Wicked and Trayterous Conspiracy to Assassinate His Majesty's Sacred Person:

LV. The Grants made to Dr. *John Lyle*, *John Baker*, Eldest Son of Col. *Baker*, and to *James Robt*, for eminent Services in the Siege of *London Derry*, shall be and remain in full Force.

LVI. A Proviso not to Vacate the Grant and Release to Sr. *Christopher Wandeford* Baronet, from the Natives of *Idoughs*, called *Brenans*, for a Legacy Granted to them by the last Will of Sr. *Christopher Wandeford*, Baronet, Deceased, bearing Date 2d Octob. 1640. notwithstanding the Out-Lawry of the said *Brenans*.

LVII. Nor to make void a Grant in Trust, for the Children of Sr. *Charles Porter*, late Lord Chancellor of *Ireland*.

LVIII. The Debts or Moneys owing on or since 13th Febr. 1688. to persons Convicted or Attainted as aforesaid, or any in Trust for them, and were payable by *James Duke of Ormonde*, or Chargeable on his Estate, are, in Consideration of his great Losses, and as some Compensation thereof, and of his great Services, Remitted and Discharged.

LIX. A Proviso, that the Daughters of Sr. *Valentine Browne*, commonly called *Lord Kenmare*, shall Enjoy the Portions and Maintenance Provided for them, by the Deed and Will of their late Father, notwithstanding the Out-Lawrie and Attainders of him.

LX. A Proviso, that the Trustees or any 7, &c. shall pay unto the Ladies *Margaret*, *Elizabeth* and *Catherine*, Daughters of *Calaghan*, late Earl of *Clancarty*, 6000 pounds for their Maintenance and Portions, out of the said Earls Forfeited Estate, which is Declared to be in full Satisfaction of all their Claims and Demands, or any in Trust for them under their late Mother.

LXI. A Proviso, that *Dorothy Baronesse Dowager of Upper Offaly*, shall have and enjoy for her Maintenance, the King's Grant for 99 years if she live so long, of Lands in the Barony of Upper Offaly, in the *Queen's County*, part of her late Husband's Estate, and now in her Possession, so as the same exceed not 80 pounds per Annum.

## Recognizance.

I. Stat. 34. H. 8. Sess. 1. Cap. 2. If any Bound by Recognizance to Appear in any of the King's Courts of this Realm, shall be Attendant upon the Governors of this Realm, to Oppose Insurrections, or in Defence of the King's Subjects, or be Appointed to Attend on such Service, so that he cannot Observe his day of Appearance, by reason of the said Attendance; in this Case the Governors, &c. may send a Writ to the Judges of any of the King's Courts or Sessions of this Realm (where such

such Party did not keep his day of Appearance) to Discharge him of the Forfeiture of his Recognizance.

II. And no Fees shall be paid in this Case, but 12 pence to the Clerk that makes the Warrant, 12 pence to the Clerk of the Crown in Chancery for the Writ, and 12 pence to the Clerk of the Court, for Discharging the Recognizance.

III. The Party, at his Return from his Attendance in the Service aforesaid, shall at the next Term, or Sessions after, Appear before the Judges of such Court, as he was Bound by his Recognizance, and shew them his Writ of Discharge of his Forfeiture, which the Judges shall Allow, and may at their Discretions [if they think good] cause him to Enter into a new Recognizance.

IV. Provided, that if any person be Bound to keep the Peace and happen to break the same, he shall have no Benefit by this Act, to be Discharged of any such Forfeiture, concerning the Breach of the Peace.

V. Stat. 7. Gul. 3. Sess. 1. Cap. 12. The day of the 29. Car. 2. month and year of the Inrolment of Recognizances, shall be Cap. 3. En. Set down in the Margent of the Roll when the same are Inrolled; and from and after the Feast-day of the Nativity of St. John Baptist, 1696. no Recognizances shall Bind any Lands, &c. of any Purchaser *Bona fide*, and for valuable Consideration, but from the day of such Inrolment.

### Recoveries.

I. Stat. 33. H. 8. Sess. 1. Cap. II. A Term for years may 21. H. 8. Falsifie for his Term only, a Feigned Recovery, as a Tenant Cap. 15. of a Freehold may do by Course of the Common Law, being Engl. Ve. neither Party or Privy thereunto: And such Term, his Co. pl. f. Executors and Assigns, shall enjoy his Term, against such 163. & 13. Recoverer, his Heirs and Assigns, as they might do against Rep. f. 6. the said Lessors, if such Recovery had not been suffered. Boulster. 2. Rep. f. 245. 248. 1. Roll. 143. & 2. fo. 476. 26. H. 8. fo. 2. Co. 11. Rep. 33. Leon. f. 65.

II. Also such Recoverer, his Heirs and Assigns, shall have like Remedy against the Term, his Executors and Assigns by Avowry, Action of Debt, for Rents and Services, Reserved upon such Lease, (being due after such Recovery) and also like Action against them for Waste done after such Recovery so had, as the Lessor might have had if such Recovery had never been had.

III. No Statute of the Staple, Statute-Merchant, nor Execution by *Ejectus*, shall be Avoided by such Feigned Recovery, but such Tenants, having any Lands, Tenements or other Hereditaments in Execution, or being Intituled to have N. B. 198. Execution thereof, shall have like Remedy to Falsifie such Recovery, as is Ordained and Provided for Lessees for f. 51. years.

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IV. Stat.

*7. H. 8. cap. 4. En. Ve. Co. Lit. fo. 104. b. Dyer. f. 31. Bro. Meſne 23. Vaugb. Rep. f. 48.* IV. Stat. 33. H. 8. Sess. 1. Cap. 13. Recoverers of Mannors, Lands, Tenements and Advowſons, their Heirs and Assigns, may Distraim for Rents, Services and Customs, due and unpaid, and make Avowry and justify the same, and have like Remedy for Recovering the same, as those persons against whom the Recovery is had, ſhould have done, if the ſaid Recovery had not been had; and ſhall also have a *Quare Impedi* for an Advowſon, if (upon Avoidance) any Disturbance be made, as those persons against whom the ſaid Recoveries were had, might or ſhould have had by course of the Common-Law afore the ſaid Recovery, if any Disturbance had been had in their times.

*Ve. Dyer. f. 141. 19. H. 8. f. 11. Br. Damages, 8. 2. Rol. f. 140. Cro. Fac. f. 520.* V. And here every Avowant or Bailiff in any *Replegiani* or Second Deliverance, if their Avowry, Cognizance or Justification be found for them, or the Plaintiffs in the ſaid Actions otherwise Barred, ſhall Recover their Damages and Costs; as the Plaintiffs ſhould have done if they had Recovered in ſaid Replevins.

*14. El. cap. 8. Engl. Ve. Co. Lit. f. 356. a. 362. a. Co. pla. f. 655. 670. 1. R. f. 15. 3. R. f. 60. b. 10. Rep. f. 43. b. 5. Aff. pl. 1. Leon. 2. Rep. fo. 60. 63. Moo. Rep. fo. 690. 32. 718. pl. 45.* VI. Stat. 10. Car. 1. Sess. 3. Cap. 11. All Recoveries had and prosecuted by Agreement of the Parties, or by Covin against Tenants, by the Curteſy, Tenants in Tayle after Possibility or Issue Extinct, or for Term of Life or Lives, or of Estates Determinable upon Life or Lives, of any Lands, Tenements or Hereditaments, whereof the ſame Particular Tenant or Tenants, is or are ſo Seized, or againſt any other with Voucher over of any ſuch particular Tenant or Tenants, or of any having or that had Right or Title to any ſuch particular Estate or Tenancy as aforesaid, ſhall from henceforth, as againſt any ſuch person or persons to whom any Reversion or Remainder thereof, by force of any Conveyance or Demife, before that time had or made, ſhall, ought or may lawfully appertain, and againſt their Heirs and Successors, be utterly void.

*691. pl. 953. Cro. Eliz. fo. 562. pl. 12. 670. pl. 826. 827. 28. pl. 1. 45. a. 571. pl. 7.* VII. This Act ſhall not Prejudice any persons that ſhall by good Title Recover any Lands, &c. without Fraud, by reaſon of any former Right or Title, but that every ſuch Recovery ſo to be had upon former Title, ſhall be in Force, as they were before the making of this Act.

*Ve. Co. 10. Rep. f. 43. b. 45. a. Cro. El. f. 570. 571. pl. 7.* VIII. Also every ſuch Recovery as aforesaid, by the Afſent, of the persons in Reversion or Remainder, ſo as the ſame Afſent, do appear in any of the King's Courts, ſhall be of like Force, againſt the Parties ſo Afſenting, their Heirs and Successors, as they were before the making of this preſent Act.

## Religious Houses.

I. Stat. 28. H. 8. Cap. 16. The Monasteries and Religious Houses of Becktfis, St. Peters, beside Trim and other whose Names see in the Statute at large, together with all their Estates, &c. are given to the King, His Heirs and Successors, in as ample manner, as the Governours thereof at any time within a year before the making of this Act, held the same in Right of their Houses: And all such Religious Houses (not given by the King, to any by Letters Patents) which at any time within 2 years next before the making of this Act, have been given to him by any Abbot, Prior, &c. under their Covent Seals, together with all their Estates (not Given or Granted by Letters Patents as aforesaid) are given to the King, His Heirs and Successors for ever, United to the Imperial Crown of England; and all Patentees to have and enjoy all such Lands and Premisses, Given or Granted to them by the King, according to the Tenors of their Letters Patents; and to have like Remedies for any thing contained therein, as the Governors of such Houses might have had, if they had not been Dissolved.

II. Here the Right of all others (except such Governors and their Successors, and the pretended Founders, Patrons or Donors to the same) is Saved.

III. All Feoffments, Grants, Leafes and Recoveries, made or Suffered by the Governors of the said Houses, of the Lands of their Houses within 2 years, next before the making of this Act, Declared to be void.

IV. All their Ornaments, Jewels, Goods, Chattels, &c. given to the King.

V. The King Allows a yearly Pension to the Chief Governors of those Houses during their Lives, &c.

VI. All their just Debts, to be paid by the King.

VII. Such of the said Religious Houses (not before this time Given by the King by His Letters Patents, to any persons as aforesaid) as the King, His Heirs and Successors, at any time after the making of this Act should Declare, should not be Suppressed by Authority of this Act, were still to continue.

VIII. The Right of Founders, Patrons or Donors of such Monasteries, &c. as shall be Suppressed by this Act or otherwise, which they might have without Fraud, by any manner of means (otherwise than by reason or occasion of the Dissolution of the same) is saved in like manner as the Right of others is saved.

IX. The King's Lessees of the Sites, &c. of such Suppressed Religious Houses, to keep an honest Farmers House or Household in the same Site (according to the Quantity of the Domains)

## Religious Houses, &c.

mains) in pain of Forfeiting to the King an 100 shillings every Quarter of the Year during the contrary, to be Recovered to his Use in every of His Courts of Record.

X. Justices of the Peace in every Shire, where any such Offence is Committed, in every Quarter or General Sessions within their Limits, to Inquire of, Hear and Determine such Offences, and Set Fines (no less than afore Limited) and Certify the Estates thereof into the Exchequer, as Estates for other Fines use to be.

XI. Several Rectories, Parsonages, Vicarages, &c. Confirmed to the Parsons thereof for their Lives.

XII. This Act not be prejudicial to George Arch-Bishop of Dublin nor his Successors for any Right to any Advowson, Parsonage, Vicarage, Patronage, Presentation or Collation, for any Promotion Spiritual whatsoever, in any wise, appertaining to the said House or Monastery of Taghmorebegge.

XIII. Nor to be prejudicial to the Vicars Chorals of St. Patricks Church of Dublin, nor their Successors, for their Right, Title and Rent, for the Benefice, Pension and Tythes of Kennegh within the County of Catterlogh.

XIV. Stat. 32. H. 8. Cap. 24. Engl. By this Act the Corporation of St. Johns of Jerusalem in England and Ireland was Dissolved, and the Priors and Cofferers thereof prohibited to wear the Marks, &c.

XV. The King was to have all their Estates, and diverse Pensions were appointed severally to the Priors, Chaplains and Cofferers of that Order, continue during their Lives.

XVI. And all of that Order are Discharged from Obedience for their Religion, and also Enabled to Inherit, Purchase, Sue and to be Sued, &c.

XVII. Stat. 33. H. 8. Cap. 5. All Monasteries, &c. and other Religious and Ecclesiastical Houses and Places of what Order soever, together with their Estates, which since the 4th day of February, in the 27th year of his Reign, were Dissolved, &c. are given to the King, His Heirs and Successors for ever, to Hold the same in as ample manner as the Governors thereof held them in Right of the said Houses.

XVIII. And all other Religious Houses, Dissolved and to be Dissolved, together with the Revenues to them belonging, are Declared to be in the Actual Possession of the King, His Heirs and Successors for ever.

XIX. Here the Right of others [except the Abbots, Priors, &c. and the Founders, or Donors of the same] is Saved, Rents Services and Rents Secks, and all other Services and Sures due, to be paid, or done out of the Premisses, are Excepted and Foreprised out of this Clause of Saving.

XX. The

XX. The King not to Re enter upon the Possession of any Lessees or Grantees, their Executors or Assigns, of any Lands, &c. Demised or Granted, by any late Prior, Abbot, &c. so that the said Lessees their Executors or Assigns, did Tender or Pay their Rents Reserved upon such Leases at the Receipt of the King's Exchequer of this Realm, at the days of Payment in their Indenture, &c.

XXI. The yearly value of the Rents Services and Rents Secks, which any before the 4<sup>th</sup> day of February, in the 27<sup>th</sup> year of the King's Reign, might have lawfully Claimed out of any the said Religious Houses [as long as they are in the King's Possession] to be paid to them by way of Reward, out of the Exchequer of this Realm, by the Hands of the Vice-Treasurer of the said Realm, and his Acquittance taken for the Payment thereof, to be Allowed in the Exchequer, without any further Warrant in that behalf. And when the King shall Give or Lease to any person or persons, any Estate of Years, Freehold or Inheritance of the said Lands, to their use (Chargeable with the said Rents Services, and Rents Secks) then the King's Donees, Lessees and Grantees, their Heirs and Assigns shall yearly pay the same at such time as they have been used to be paid: And in Default the Parties that ought to have the same, to Enter and Distain and keep the Distress, till the Arrears (if any be) be paid.

XXII. If any of the late Priors, Abbots, &c. of the said Religious Houses, within 2 years next before the Dissolution, V.e. Dyer. 6. E. 6. f. 77. pl. 40. &c. of the same, had made any Lease or Grant for Term of Life or Years of the Site thereof, or other Hereditaments lying in the same Towns, and which before that time was not usually Lett, but kept for the Maintenance of Hospitality. Or if at any time within 2 years as aforesaid, they had Lett for Life or Years any of the Lands belonging to their said Houses, to any Religious persons to their use, &c. such Leases to be void.

XXIII. This Act not to extend to avoid Leases for Life or Years of the Mills, Site, &c. of such Houses lying within the Precincts thereof, or in the Town where they are, where Hospitality is not kept, nor shall not be kept. But this Proviso is not to extend to any Lease or Leases made of any Parcel of the Site, &c. of any of the said Houses of Fryers.

XXIV. This Act is not to hurt any of the Grantees for Life or Years, of any Abbot, Prior, &c. for Sites, Lands, &c. which before the making of this Act, hath been given by the King, to any persons or Bodies Politick or Corporate in Fee Simple or Fee-Tail, and which be out of His Highness Possession, by reason of such Gifts or Grants thereof made.

XXV. Leases Lett by the Governors or Governesses of the late Religious Houses, [Named in this Clause] or any of

of them for Life or Years, of any Parsonages, Appropriate or Tythes, which belonged to the said Houses within 2 years before their Dissolution, &c. which were not at any time within 4 years before the said 2 years Lett to Farm, but kept in their own Manurance, Declared to be void.

**XXVI.** And where any late Prior, Abbot, &c. within 2 years next before the Dissolution, &c. had made any Lease for Life or Years, of any of the Lands, &c. belonging to their Houses, yielding any yearly Rent in Money, which were not at any time within 4 years before the said 2 years so Lett; but only for Port of Corn or Marts, or for Port of Corn and Money, or Marts and Money, or Corn, Marts and Money, to be Paid and Rendred for the same: Then in such Case, if the Inheritance of the Reversion, Rents and Farms, reserved in Money upon any such Lease, were in the King's Possession, or any of his Lessees or Grantees for Life or Years; such persons their Executors and Assigas, to surrender their Leases, or else to pay yearly to the King, during the Interest of their Leases, in the place of their Rents reserved in Money, such port of Corn and Marts, or port of Corn and Money; or Marts and Money, or Corn, Marts and Money, and all other Profits as was used to be paid before, for such Premises as aforesaid, the Lessees performing the same to be Discharged, as well against the King as against His Lessees, of and for the Rents reserved in Money upon their said Leases.

**XXVII.** The King's Grantees having in Farm for Life or Years, any of the said Houses, and the Reversion Rents and Farms reserved in Money, upon Leases made as aforesaid, shall receive yearly the said port of Corn and Marts, in Recompence of the Money reserved in Rents, for the better maintenance of Hospitality and good House-keeping in and upon the said Houses.

**XXVIII.** If any of the King's Grantees or Lessees or able Assigas, which had or should have in Farm for Life or Years any of the above named Houses, did not continually dwell and keep Hospitality in the said Houses during their Interest therein, then their Leases and Grants thereof to be void: And that the then Abbots, Priors, &c. Lessees of any such Houses, Lands, &c. to have and enjoy their Leases again therein, so as they paid so much yearly Rent to the King as they should be valued at by the King's Commissioners (Named in the A&T) Assigned by Him for that purpose.

**XXIX.** Leases made by any late Prior, Abbot, Abbess, &c. within 2 years next before the Dissolution, &c. for Term of Life or Years, of any Mannors, Lands, &c. belonging to their Houses, upon which the usual and old Rents and Services that had been accustomed to be Reserved by the

the space of 10 years (next before the 1<sup>st</sup> day of this present Parliament) is not thereupon Reserved, the Lessees and Grantees to enjoy the same, so that they were made without Fraud : And that the Lessees, their Executors and Assigns [during their Interest] paid to the King, His Heirs and Successors, so much yearly Rent, as had been at any time within the said space of 10 years, paid for the same.

**XXX.** And Leases made by them within 2 years as aforesaid, before the Dissolution, &c. for above the Term of 21 years, of any Mannors, Lands, &c. belonging to their Houses, whereof any Interest for Life or Years (at the time of the making of such Grant or Lease) was then in being and not extinct or expired, and which Lease was not taken away by this Act, then every such Lessee, &c. was to enjoy the same, but only for 24 years next after the Commencement thereof, provided the same were made without Fraud as aforesaid ; and that the Lessees, their Executors and Assigns, paid the old usual Rent yearly during their Interest therein as aforesaid : And if the years mentioned in the said Lease were under 24 years, then to have their Leases according to the years comprised therein and not above, paying therefore as aforesaid.

**XXXI.** Leases made by the King for Term of years of the Reversion of any Lands, Tythes, &c. which by Authority of this Act should Fortune to be Evicted from the King's Lessees, and come to His Gift or Grant, in such Case they and their Assigns, should have Abatement of their Rents in the Exchequer, for so much of their Rent, as they paid for so much Lands so Evicted, if such Rent might be certainly known by their Leases.

**XXXII.** All Feoffments, Fines and Recoveries made knowledged or suffered to any persons, by any late Prior, Abbot, &c. without the King's License, under His Great Seal of this Realm (made by His Warrant and bearing Teste in His Name) within 2 years next before the Dissolution, &c. of any Mannors, Lands, &c. which they had in Right of their Houses by the King's Grant (or whereof He or his Progenitors were founders) declared to be void.

**XXXIII.** This Act not to extend to avoid any Lease or Grant, Feoffment or Recovery, made by such Religious persons, of any of their Lands, for payment of any Debt for the use of any such late House, proved by Writing, Witness or otherwise, before the 2 Chief Justices, Chief Baron and the Vice-Treasurer, or any 3 of them (the Vice-Treasurer being one) and allowed by them, till such time as such Lessees, &c. should Receive such Debts [so proved and allowed] out of the Rents of the said Lands, accounting them to be of the yearly value as they had been usually Lett for, at any time during

Ve. Flo.  
Com. fo.  
102. a. b.  
106. a. b.  
107. a.  
109. a. b.  
110. a. b.

during the space of 10 years next before the making of this Act.

**XXXIV.** Leases Lett by them within 2 years next before the first day of this present Parliament, for Term of Life or Years of the Site of the said Houses, or any Mannors, Lands, &c. belonging to them, which before that time were not usually Lett to Farm, or any Lease, &c. as aforesaid, whereof any former Estate or Interest for Life or Years was then in Being, and was not Determined or Expired, or upon which Leases (so made as aforesaid) the old Rent Accustomed, to be paid by the space of 20 years next before the first day of this present Parliament, was not Reserved, or of any Sale of their Woods made by them within 2 years as aforesaid, which Woods were then growing and standing, that then every such Lease, &c. Sale of Woods as aforesaid, to be utterly void.

**XXXV.** And all Feoffments, &c. made, &c. within 2 years as aforesaid, by any Governor or Governess of any Religious House, which afterwards should happen to be Dissolved, &c. without the King's License, under His Great Seal, of any Mannors, Lands, &c. which they had in Right of their Houses, or held of the King's Gift or Grant, or of which the King was Founder or Patron, or which Mannors, Lands, &c. were of the Ancient Foundation of such Houses, declared to be void.

**XXXVI.** A Proviso, that if any Abbot, &c. within 2 years as aforesaid, had Leased or Granted to any for Life or Years, any Mannors, Lands, &c. which Lessees, at the time of such Lease made, held the same for Life or Years not Expired, that then such Lessees should hold the same for Life or Years, so that the Old Rent used to be paid at any time within 10 years before, were thereupon Reserved, notwithstanding this Act.

**XXXVII.** Grants also for Life or Years, by Copy of Court Roll, according to the Custom [the old Rent being Reserved] to be good.

**XXXVIII.** Grants to other persons by such Religious persons, after the said 4<sup>th</sup> day of February, with the King's Consent and License (under the Great Seal aforesaid) to remain good, saving to all others (other than such late Religious persons and their Successors and the Founders, Patrons or Donors) all their Right, Title, &c.

**XXXIX.** The King's Purchasers and Exchangers of any Honours, Castles, Mannors, Lands, &c. after the 4<sup>th</sup> day of February, in the 27. H. 8. (notwithstanding Misfital Misnaming or Non Refusal) are Confirmed. Howbeit the Right of all persons but the Exchangers and Bargainers is saved.

**XL.** The

**XL.** The King's Letters Patents, Indentures and others Writings made under the Great Seal of *Ireland* (by Warrant as aforesaid) or under His Great Seal of *England*, after the said 4<sup>th</sup> day of *February*, and within 3 weeks next after the making of this Act, of any Honours, Castles, Mannors, Monasteries, Abbies, &c. of what kind soever they be, or by whatsoever Names, they or any of them be Named, to stand good in the Law, to all Intents against the King, His Heirs and Successors. And here the Right of all others (save the King, His Heirs and Successors, and the Governors and Governesses, and their Successors, Donors, Founders, Patrons and their Heirs and Assigns) is saved.

**XLI.** Such Abbies, Monasteries, &c. belonging to the *Ve. Jones.*  
said Religious Houses, as before their Dissolution, and coming into the King's Hands or other persons as were Discharged  
of the Tythes, shall continue to be Discharged and Ac-  
quitted of Tythes, in as ample manner as the Governors  
Governesses thereof, at the time of their Dissolution or Sup-  
pression, &c. held and enjoyed the same.

189, 190, 191. *1.5. & 30. 368. 369, 370, 371, 372, 973, pl. 80.*

*Rep. f. 2, 3  
4. pl. 3, 4  
6, 7. pl. 5.  
fo. 182.  
183, 184  
185, 186  
187, 188*

**XLII.** All Mannors, Rent-Services and other Duties, are saved to the King, His Heirs and Successors, notwithstanding this Act.

**XLIII.** Such late Monasteries, Abbies, &c. which before the Dissolution or Suppression, &c. were Exempted from the Visitation of the Ordinary, shall from henceforth, be within the Jurisdiction and Visitation of the Ordinary, within whose Diocese they or any of them be Situated, or within the Jurisdiction and Visitation of such persons as shall be Limited and Appointed by the King.

**XLIV.** stat. 2. *El. Cap. 7.* The Letters Patents made by King Philip and Queen Mary to Sr. Oswald Messingberde of the late Hospital of St. Johns *Jerusalem* in *Ireland*, with the Mannors, Lordships, Commandries, &c. belonging to the same; and all Authorities, Bulls, Breves or other Writings whatsoever, made from any Foreign Power, to the said Sr. Oswald, concerning the said late Priory or Hospital, are by this Statute Enacted to cease and to be utterly void.

**XLV.** The said late Hospital or Priory of St. Johns *Jerusalem* in *Ireland*, together with the Site of the same, and all the Mannors, Lordships, &c. are declared to be in the Queens Person, Her Heirs and Successors, and United to the Imperial Crown of this Realm, in as ample manner as the same were in the Person and Possession of the said late Q. Mary at the time before the said LettersPatents, made to the said Sr.Oswald.

**XLVI.** The Right of others (other than the said *Oswald Messingberde*, late Prior and his Successors, &c.) is saved in and by this Act; Rents-Services, Rents-Secks and all other Services and Sutes which were due, to be paid or done to any

## Remembrancer. Rents.

persons out of the Premises or any part thereof, only Excepted and Foreprized out of this Clause of Saving.

**XLVII.** Saving also to others (other than such persons as be before Excepted) all Benefits, &c. which they may or ought to Claim and take in and by the said Act 33. H.

**XLVIII.** All Leases, Demises, Gifts, and Grants of any Lordships, Mannors, Lands, &c. and all Acts and things made, suffered or done by the said Sr. Oswald Massingberde, as Prior of the said late Hospital solely, by matter in Deed or of Record, or by him, with the Assent of his said Combrethren or Chapter, under their Convent or Common Seal, since the day of the Date of the said Letters Patents. Granted by the late King and Queen to the said Sr. Oswald, declared to be void.

**XLIX.** A Proviso; that this Act shall not be pre-judicial to any Tenants, Lessees or Occupiers of the Premises, their Heirs or Executors, for any Rents paid to the said Sr. Oswald Massingberde, before the said 24th day of August, but that they shall be Acquitted for the said Payments against the Queen, Her Heirs and Successors.

### Remembrancer.

**37. E. 3. Cap. 4. &c. I. R. 2. Cap. 5. Engl.** **I.** Stat. 28. H. 6. Sess. 2. Cap. 1. No Remembrancer nor his Deputy, shall cause to be Written any Writ, against any Man that hath a sufficient Discharge of Record, in the Remembrancy or other place in the Exchequer, of that whereof he shall be Impeached.

**II.** If the Remembrancer or his Deputy Offend herein, they shall lose their Office, and the Party grieved shall have Treble Damage against them.

### Rents.

**32. H. 8. Cap. 37. V. Dyers Rep. 1. 375. pl. 2d. Co. Lit. 1. 162. a. b. 331. b. 4. Rep. 10. 48. 5. Rep. 11. 8. 7. Rep. 3. a. 39. b. 8. Rep. 64. 65. 2. Roll. 37. 382. 457. Vaugh. Rep. 39.** **I.** Stat. 10. Cap. 1. Sess. 2. Cap. 5. The Executors and Administrators of Tenants in Fee-Simple, in Fee-Tail or for Term of Life, of Rents Services, Rents Charges, Rents Secks and Fee-Farms unto whom any such Rent or Fee Farm is due and not paid at the time of his Death, shall have an Action of Debt for all such Arrearages, against the Tenants that ought to have paid the same to their Testator, or against the Executors or Administrators of such Tenants.

**V. Cro. El. 332. 333. pl. 12. 547. pl. 20. 805. pl. 6. Co. 4. Rep. 49. 50. 51. Cro.** **II.** Also such Executors and Administrators of any such persons unto whom such Rent or Fee Farm shall be due and not paid at the time of his Death as aforesaid, may Distain for the Arrearages of all such Rents and Fee Farm, upon the Lands Chargeable therewith, so long as they continue in the Seizin and Possession of such Tenant in Demesne who ought

ought to have paid the said Rent or Fee-Farm, or in the *Car. f. 339.*  
 Seizin or Possession of any other person or persons Claiming *smallprint.*  
 only by and from him, by Purchase, Gift or Discent, in like *Syderfin R.*  
 manner as their Testator might have done in his Life time, *2. part. f.*  
 and the said Executors and Administrators, shall for the *28. 62.*  
 same Distress lawfully make Avowry upon their matter *2. Leon. I. R.*  
 fo. 302.  
*fo. 302.*

III. If any person hath in Right of his Wife, any Estate *Ve. Co. pl.*  
 in Fee-Simple, Fee-Tail or for Term of Life, in any Rents *f. 119. Co.*  
 or Fee-Farms, and the same shall be due and unpaid in his *Lit. f. 351.*  
 Wives Life time, then the said Husband, after the Death *b. 4. Rep. f.*  
 of his Wife, his Executors and Administrators, shall have an *48. 1. b. 51.*  
 Action of Debt for the said Arrearages, against the Tenant *a. Bro. Det.*  
 of the Demesne that ought to have paid the same, his Ex- *180. 181.*  
 ecutors or Administrators, and may Distain for the said *Ar. 9. H. 6. 43.*  
 rears in like manner as he might have done if his said Wife *Avowry.*  
 had been then Living, and make Avowry upon his matter *123. Gol-*  
 as aforesaid. *desb. Rep.*

*30. pl. a. & Vaugb. R. fo. 38.*

IV. If any persons have any Rents or Fee-Farms for Term *Ve. Co. Lit.*  
 of Life or Lives, of any other persons, and the same is due *f. 862. b. 5.*  
 and unpaid in the Life of such persons, for whose Life or *Rep. f. 118.*  
 Lives the Estate of the said Rent or Fee-Farm did depend *a. b. 7. Rep.*  
 or continue, after the said persons do dye, then he unto *f. 39. Leon.*  
 whom the same was due in form aforesaid, his Executors *2. R. 153.*  
 and Administrators shall have an Action of Debt against the *3. R. f. 59.*  
 Tenant, in Demesne that ought to have paid the same when *& Anders.*  
 it was first due, his Executors and Administrators: And *1. R. f. 47.*  
 may also Distain for the same Arrearages upon the Lands  
 Chargeable with the payment thereof, in like manner as he  
 might have done, if such persons by whose Death the afore-  
 said Estate, in the said Rents and Fee-Farm was determined,  
 had been in full Life and not Dead; and the Avowry for  
 the taking of the said Distress, to be made in manner and  
 Form aforesaid.

### Repeal.

I. Stat. 11, 12, & 13. Jac. I. Cap. 4. The Statute made in a  
 Parliament holden at Dublin, in the 10th year of the Reign of  
 K. H. 6. Intituled, *An Act that no person Liege nor Alien, shall take*  
*Merchandises or Things to be sold, to Fair, Market or other Place*  
*amongst the Irish Enemies, &c.* And the Statute made at the  
 same Parliament, Intituled, *An Act that every Liege Man shall*  
*take the Irish Conuersant as Espials against the English, and make of*  
*them as of the King's Enemies.* And the Statute made at a  
 Parliament begun at Dublin, the First day of May, 28. H. 8,  
 and afterwards holden and continued by diverse Adjourn-  
 ments and Prorogations, until the 30th day of October, in the  
*29th*

## Repeal.

29th year of H. 8. Intituled, *An Act against Marrying or Foster-ing with or to Irish men.* And also the Statute made at the Parliament holden in the 11th year of Q. Eliz. Intituled, *An Prohibiting an Irish Lord or Captain of this Realm, to Foster to any of the Lords of the same Realm:* are all Four Repealed.

II. Stat. 11, 12, & 13. Jas. 1. Cap. 6. By this Statute the Act of Parliament made in the 3d and 4th of P. & M. Intituled, *An Act against bringing in Scots, Retaining of them, and Marry-ing with them;* is Repealed.

III. Stat. 10. Car. 1. Seff. 3. Cap. 22. The Act made in the 12. E. 4. Cap. 2. Intituled, *An Act for bringing Bowes into this Realm, from the Realm of England by Merchants and others;* is Repealed.

IV. Sta. 10. & 11. Car. 1. Seff. 4. Cap. 6. The Statute made in this Realm of Ireland, in the 25th year of H. 6. whereby it is Ordained that he that will be taken for an English man shall not use a Beard upon his upper Lip alone, the Offender shall be taken for an Irish Enemy And one other Statute made in the said 25th year of H. 6. whereby it is Ordained, that if an Irish Enemy Received to the King's Allegiance, shall be found after, to Robb Spoil and Distroy the Liege People, it shall be lawful for every Liege Man to do with him and his Goods, as to a man that never was become Liege. And one other Statute made in the said 25th H. 6. Against Clipped Money, Money called O Reilics Money, and other unlawful Money, and against Gilt Bridles, Peytrels and other Gilt Harness. And one Statute made in the 28th H. 6. That no Marcher or other man, shall keep more Horse Men or Foot Men, than they shall Answer for, and maintain upon their own Charges, and their Tenants: And for Presenting the Names of their Men: and that none shall take Coynee, Cudyes or Night Suppers, nor shall take Pledge for them, the Offenders shall be Fel-lons. And one other Statute made in the 33. H. 6. That every Man shall Answer for his Son and Waged Man. And one Statute made in the 5. E. 6. That it shall be lawful to kill any that is found Robbing by Day or by Night, or go-ing or coming to Robb or Steal in the County of Meath, having no faithful Man of good Name or Fame in his or their Company in English Apparel. And one other Statute made in the 10. H. 7. That one Born within the Realm of England, to be Constable of the Castle of Dublin, Tryme, Lex-lip, Athlone, Wicklowe, Green Castle, Carlingford, and Carrickfergus. And one Statute made in the 11. Eliz. for the Limitation of Tanning Leather. And one other Act made in the said 11 Eliz. That 5 persons of the best and eldest of every Nation against the Irishry, shall bring in all the Idle persons of their Sir Name, to be Justified by Law. Are all Repealed and made void.

I. Stat. 7. Gul. 3. Sess. 1. Cap. 22. Whenever any Plaintiff in Replevin shall be Non-Sute, before Issue Joined in any Sute in Repleving by Plaintiff or Writ, lawfully Returned, Removed or Depending in any of the King's Courts at Dublin, or any Courts Palatine or other Courts of Record within this Kingdom, the Defendant or Avowant making a Suggestion in the Nature of an Avowry or Cognizance for such Rent to Ascertain the Court of the Cause of Distress, the Court upon his Prayer shall Award a Writ to the Sheriff of the County where the Distress was taken, to Inquire by a Jury upon Oath, of the Sum in Arrear, at the time of the Distress taken, and the value of the Goods and Chattels Distrainted (and 15 days notice being given to the Plaintiff or his Attorney in Court, of the time of the fitting such Inquiry) the Sheriff shall Inquire thereof; and upon the Return of such Inquisition, the Defendant shall have Judgment, to recover against the Plaintiff the Arrearages of such Rent, (in case the Distress amount to so much) and if not, then so much as the value thereof does amount unto, together with full Costs of Sute; and shall have Execution by *Fieri facias* or *Elegit*, or otherwise, as the Law shall require.

II. And in Case the Plaintiff shall be Non-Sute after Connuzance or Avowry made and Issue Joined, or if the Verdict shall be given against such Plaintiff, then the Jury Returned to Inquire of such Issue, shall at the prayer of the Defendant, Inquire of the Arrears, and the value of the Distress taken; and thereupon the Avowant or he that makes Connuzance, shall have Judgment for such Arrearages, or so much thereof as the Distress taken amounts unto with full Costs, and shall have Execution as aforesaid.

III. If Judgment in any of the Courts aforesaid, be given upon *Demurrer* for the Avowant, or him that makes Connuzance for any Rent, the Court, at his prayer, shall Award a Writ to Inquire of the value of the Distress, and upon Return thereof, Judgment shall be given for the Avowant, &c. for the Arrearages alledged to be behind in such Avowry, if the Distress amounts to the value, if not, then to so much as the Distress amounts unto, with full Costs of Sute, and to have like Execution as aforesaid.

### Reprieve.

I. Stat. 10. Car 1. Sess. 2. Cap. 14. In all Cases where any persons shall be found Guilty of any manner of Treason, Murder, Manslaughter, Rape, or other Felony whatsoever, for which Judgment of Death should or may ensue and shall be Reprieved to Prison without Judgment, at that time given against him, her or them so found Guilty. The Justice or Justices that shall be Assigned afterwards to deli-

1. E. 6. Cap.  
7. En. Co. 4  
Inst. f. 691  
V. e. 7. R. f.  
31. 12. R.  
f. 32. Bro.  
Commission  
ver 11. 24.

ver the Goal (where any such persons so found Guilty) shall remain, may give Judgement of Death against them, as the said Justice or Justices, before whom they were found Guilty, might have done.

II. And where any persons shall be Adjudged and Condemned of any manner of Treason or Felony whatsoever, and shall be Reprieved, or the Execution Respited for any Cause whatsoever, the Justice or Justices Assigned to Deliver the Goal where such Adjudged and Condemned persons as aforesaid, remain not Executed, may award Execution upon every such Judgment, against such persons so Adjudged and Condemned as aforesaid, in as ample manner, as the same Justice or Justices, by whom such Judgment was given [if no Cause had appeared to him or them for Respiting the Execution] might have done.

#### Residence.

*Ve. Regist.*

*58. b. F.*

*N. B. 44.*

*g. Co. 6. R.*

*f. 21. b. 2.*

*Dft. fo*

*624, 625.*

*626. Moo.*

*R. f. 540.*

*fl. 712.*

I. Stat. 36. H. 6. Cap. 1. All Beneficaries within this Land, shall keep personal Residence continually in the said Land, otherwise the Profits of their said Benefices [Divine Service and ordinary Charges Deducted] shall be divided, one half to the Profit of their Benefices and Churches, and the other to be Expended in the King's Wars, in Defence of this poor Land of Ireland.

II. All Grants made or to be made by the King to the contrary [unless by Authority of Parliament] to be void.

III. Excepted Students, Pilgrims and such as of necessity must Sue by way of Appeal, or any other lawful way for the Reformation of their Benefices.

#### Restitution.

*Ve Noyes*

*Rep. fo.*

*128.*

I. Stat. 3 & 4. P. & M. Cap. 6. If the Party from whom any Goods or Chattels shall be Stolen or his Executors, cannot come by them again, then he or they shall have of the Felons, Goods (after he shall be Attainted, Condemned or Pardon'd or in case he Flyes) to the value of the Goods Stolen, to be delivered to him or his Executors, by the Sheriff or any other persons having the Possession thereof.

II. And the Sheriff (or he that maketh such Delivery) shall be Discharged of so much as he shall deliver, against the King and Queen, Her Heirs and Successors.

III. And if the Sheriff or other persons having the said Goods, Refuse to make such Delivery, such Refuser shall Forfeit to the said Party or his Executors, the value of the said Stolen Goods [in case there came so much in value to their Hands] to be recovered by the said Party or his Executors, in an Action of Debt against the Sheriff or any other persons and against their Executors, to whose Possession the said Goods came, wherein no Wager of Law, &c. shall be allowed.

IV.

IV. Stat. 11 Eliz. Sess. 3. Cap. 12. *Gerald Fitz. Gerald then Earl of Kildare, Edward Fitz. Gerald his Brother, Margaret, Elizabeth and Cecily Sisters to the said Earl, and their Heirs, are Restored to their Blood, and Enabled to make their Pedigree and Title by Descent Lineal or Collateral, from their Father and Brother [Attainted of High-Treason, in the 28. H. 8. which see hereafterwards in Title *Treason and Traitors.* S. 3.] and all other their Ancestors whosoever they be, in such manner as though the said Attainted, Corruption of Blood or other Impediments had never been.*

V. Provided this Act shall not Extend to make void any Grant or Lease for Life or Years or any other Estate Granted by K. H. 8. E. 6. Q. Mary or Q. Elizabeth or the said Earl [then Restored] and his Feoffees, but that they remain in Force, as if this Act had not been made.

VI. This Act is not to be prejudicial to the Queen, nor in any wise to the Disadvantage or Advantage of the said Earl his Brother and Sisters, other then the Restitution of their Blood, and such things as be incident thereunto.

VII. Stat. 27. Eliz. Sess. 2. Cap. 2. *Laurence Delapide of Moyclar, in the County of Meath, Gent. is by this Statute Restored to his Ancient Blood, and enabled to Convey his Pedigree, &c. from his Father or Grand father, and all other his and all other his and their Ancestors, for all manner of Lands [not in the Queen's Hands, and Seizing, or ought to be so, nor in the Hands of any Claiming by or under Her or any of Her Progenitors] in such manner, as tho' the Attainted, Corruption of Blood or of her Impediments had never been.*

VIII. This Act shall not extend to make void any Gift, &c. and so *Verbatim*, as is shewed here before [S. 5.]

IX. Nor is this Act nor any thing contained therein, to be in any wise Prejudicial to the Queen, &c. and so *Verbatim*, as before expressed. (S. 6.)

X. Stat. 28. Eliz. Cap. 9. By this Statute *Jane Eustace* (Wife of *Nicholas Taffe*, of *Atbeclare*, in the County of *Louth*, Gent.) is Restored in Blood and Name, to Inherit as Heir to any of her Ancestors, and to Claim, and have all such Lands, which at any time hereafter shall Descend, Come or Revert to her or her Heirs, from any her or their Lineal or Collateral Ancestors; and she and her Heirs may make her and their Pedigree as Heirs in Blood unto *Christopher Eustace* her late Father [Attainted then for Treason, which see here afterwards in Tit. *Traitors and Treason*, S. 11.] or any other her Ancestors, in as ample manner as though the said *Christopher Eustace* had never been Attainted.

XI. Saving to the Queen, Her Heirs and Successors and unto all others Their Heirs, Successors and Assigns, all such Estates,

## 288 Retainers & Liberties. Reviv'd.

Estate, Right, and Title, as any of them have or ought to have, to any Mannors, Lands, &c. in as ample manner as though this Act had never been made. Then follows Two other Clauses *Verbatim*, the same as is shewed before s. 5, and 6.

### Retainers & Liberties.

I. Stat. 10. H. 7. Cap. 6. No Citizen, Burgess or Freeman, Inhabiting within any City or great Town, shall receive Livery or Wages, or be Retained with any Lord or Gentleman within this Land, upon pain to be Deprived of his Freedom and Liberty, and be Expuls'd out of the said City for ever.

II. Mayors or other Head Officers, of the said Cities or Towns, neglecting to Execute this Act, as often as it shall require, shall Forfeit 20 pounds to the King.

III. No Lord or Gentleman, of this Land shall Retain by Livery, Wages or Promise, or otherwise, any persons, saue such as be his Officers, as Bailiffs, Stewards, Learned Counsel, Receivers, and Menial Servants, upon pain that both Retainers and he that is Retained (the same being Prov'd and Examined by the King's Counsel or two of them) shall Forfeit 20 pounds to the King, as often as they Offend therein.

IV. This Act is not to extend to the Marches of this Land, so that they Present by Indenture, the Names of such persons as they have in their Retinues, and will Answer for them at their peril, to the King's Lieutenant or his Deputy.

### Reviv'd.

I. Stat. 7. Gul. 3. Sess. 1. Cap. 7. The Two Statutes Made in the 17, & 18. Car. 2. Sess. 5. One Intituled, *An Act to prevent Delays, in Extending Statutes, Judgments and Recognizances*. (which see before in Tit. *Extents*, s. 4.) And the other Intituled, *An Act to prevent Arrests of Judgments, and Superseding Executions*, (which see in Tit. *Jeoffailes*, s. 8.) are Revived by this Statute of the 7. Gul. 3. and made Perpetual.

### Bobbyry and Robbers.

21. H. 8. I. Stat. 28. H. 8 Cap. 10. If any Felons Robb or take away any Money, Goods or Chattels from the person or otherwise, of any of the King's Subjects within this Land, and be thereof Indict'd, Arraigned and found Guilty, or otherwise Attainted upon the Evidence of the Party Robbed or other Witness, then the Party shall be Restored to his Money, Goods and Chattels.

Boult 2. Rep. fo. 310. Co. 5. Rep. fo. 110. Noyes Rep. fo. 128.

II. And the Justices of Goal-Delivery or other Justices before whom any such Felons shall be found Guilty or otherwise Attainted as aforesaid, upon the Evidence of the Party Robbed

Rep. fo. 128.

Robbed, &c. shall Award Writs of Restitution for the said Money, Goods and Chattels, in like manner as though such Felons were Attainted at Sute of the Party in Appeal.

## Rome.

I. Stat. 32. H. 6. Cap. 3. If any man Appeal in hope to be sent into England, the matter thereof shall be declared before the Governor of this Land and King's Counsel. And if the matter touch not the King's Person, then the Governor shall send the Appeal into the King's-Bench, there to be Determined as Appeals of Robbery are. 1.H.4.cap. 14. En. Ve. f. 31. 48. 132. Hutt. Rep. f. 3.

II. And if the Appeal be not found, then the Appellor shall pay to the Appellee his Damages, Taxed by the Enquest, and 20 pounds, and also an 100 shillings Fine to the King.

III. Stat. 28. H. 8. Cap. 6. No Subjects or Resiants of this Land, shall Appeal to Rome for any Causē of what nature soever it be, upon pain that the Offenders, their Aidors, Counsellors and Abettors, shall Incur a *Premunire*. 24. H. 8. Cap. 12. & 25. H. 8. Cap. 19.

Engl. Ve. Co. 12. Rep. fo. 71. Noyes Rep. fo. 100.

IV. Appeals (in all Causes whatsoever) formerly made to the See of Rome, shall now be made to the King or His Gover- Rep. fo. 209. a. pl. nor of this Land, to the Court of Chancery in England or Ireland: And upon Appeals made to the King, the Chancellor of England or Keeper of the Great Seal, shall Grant a Commission or Delegacy, to some Learned persons of this Land or else in England, for Final Determination thereof.

V. And upon Appeals made to the said Governour, the Chancellor of this Land or Keeper of the Great Seal of the same, by the Assent of the Chief Justices of the King's-Bench and Common-Pleas, the master of the Rolls, and the Under Treasurer of the said Land or any 2 of them (so as the Under-Treasurer be one) shall Grant a Commission or Delegacy, to some Learned persons within this Land, for Final Determination of the said Appeals, who shall have like Authority, as Commissioners Assigned in Appeals made to the King in England have by their Commission, or by virtue of any Acts made for Appeals there, any Foreign Laws, Inhibitions from Rome or Customs to the contrary notwithstanding.

VI. Stat. 28. H. 8. Cap. 13. If any Resiant within this Land, (after the First day of November, 1537.) shall by Writing, Cyphering, Printing, Preaching or Teaching, or by any Deed or Act, Obstinate or Maliciously, Extol or Defend the Authority of the Bishop of Rome (heretofore Usurped within this Land) or shall invent any thing for the Extolling of the same, or Attribute any Authority to the said See, or to any Bishop of the same, such Offenders, their Aidors, &c. and every of them (being thereof lawfully Convicted according to the Laws of this Land) shall Incur the Penalties of a *Premunire*, provided by the Statute of the 16. R. 2. Ve. Fal- mers Rep. f. 426.

VII. Justices of Assizes in their Circuits, and Justices of Peace, within the Limits of their Commission, or 2 of them at the least (*Quorum un.*) shall Inquire of Offences against this Act, as they may of other Offences against the King's Peace, and shall Certifie every Presentment made before them concerning this Act, before the King in his Bench in this Land, within 40 days next after such Presentment made, if in Term time; if not, then at the first day of the next Term following the said 40 days, uppon pain to Forfeit 40 pounds to the King.

VIII. And the Justices of the King's-Bench, as well upon every such Certificate as by Inquiry before themselves, within the Limits of their Authorities, may Hear and Determine every Offence against this Act, according to the Laws of the Realm of *England* and of this Land, in such manner as if the persons against whom any Presentment shall be had against this Statute, had been Presented for any Offence against the said Statute of the 16. R. 2.

IX. All Arch-Bishops, Bishops and Arch-Deacons within this Land, their Commissaries, Vicars General and other Ministers in their Visitations and Seames, shall make Inquiry and Examination of all Ecclesiastical and Religious persons within their Jurisdiction, that shall be Suspected or Accused to be Offenders against this Act: And if any be found Culpable by Witnes or Confession, and be present at the same time, then every the Arch-Bishops, Bishops, &c. before whom any such person shall be presented and found Culpable as aforesaid, shall Commit him (if he be presented as aforesaid) to the next Common-Goal of the Shire, where such Inquiry, &c. shall be had or made, or else shall Let them to Bail at their Discretion, upon entring into Recognizance with good Sureties to Appear before the King and His Counsel or His Deputy of this Land, at the Castle of *Dublin*, within 15 days next after such Presentment, if in Term time, or else the first day of the next Term after such Presentment: And at the said day of Appearance, they shall Certify into the said Castle of *Dublin*, in Writing under their Seals, the Recognizance for Appearance, and the Presentment or Conviction of the person, and all the Depositions and Name of the Goal to which they have Committed the Offender. And if the person Presented or Accused in any Visitation be not then present, yet nevertheless Certificate thereof shall be made of such Presentment or Accusation and all Circumstances, unto the Castle of *Dublin* as aforesaid: And if any person Presented or Accused, be Convict by Confession or Witnes, before any Arch-Bishop, Bishop, &c. or before the King's Counsel in the Castle of *Dublin*, then the Party Convict, shall suffer such pains, &c. as be expressed in the said Statute made 16. R. 2.

X. If any Ecclesiastical Judge or Visitor, do voluntarily Conceal any Presentment, Accusation or Confession made concerning this Statute, and do not Certifie the same in manner aforesaid,

aforesaid, he shall Forfeit for every such Default 40 pounds, one Moyety to the King, and the other to such persons as will Sue for the same, by Original Writ, Bill, &c. in which no Essoin, &c. shall be allowed.

XI. Every Ecclesiastical Judge Ordinary, &c. and other Ecclesiastical Officer and Minister, of what Degree soever, and every Temporal Judge, Justice, Mayor, Bailiff, Sheriff, Under Sheriff, Alderman, Jurate, Constable, Headborough, Burghholder, and every Lay Officer and Minister within this Land, of what Degree soever, was before he took upon him the Execution of his Office, to take a Corporal Oath upon the Evangelists (before such persons as had Authority to Admit him) that he from henceforth would utterly Renounce and Forsake the Bishop of *Rome* and his Authority, &c. And that thenceforth he would accept and take the King's Majesty to be only Supream Head in Earth, of the Church of *England* and of *Ireland*, &c.

XII. And all persons Spiritual and Temporal Suing Livery, Restitutions or any *Ouster le maine* out of the King's Hands, or which should be Sworn to the King, or should have any Office, Fee or Place or the King's Gift, or should be Retained in his Service, was to take the said Oath; and every Religious person at the time of his Entry into the same; and every other Ecclesiastical person, at the time of taking his Orders; and all persons to be Promoted to any Degree of Learning in any University within this Land, at the time of their Promotion were to take this Oath, before their Chancellor, Ordinary or other Commissary of such University: And the Refusers to take the Oath, such Contempt to be High-Treason. But after the Oath of Supremacy was Framed and Established by Parliament of the 2. El. Cap. 1. in *Ireland*, this fore-mentioned Oath was not Tendred. And now the Oath of Supremacy of 2. El. being Abrogated and taken away, by the Statute of the 3, & 4. Gul. & Mar. Cap. 2. and new Oaths appointed, all persons obliged to take the former Oath, are now to take the new Ones, which see here, Tit. *Oaths*. §. 1. &c.

XIII. This Act not to be prejudicial to the Ceremonies and Decent Order heretofore used in the Church of *Ireland*, nor to any person using the same.

XIV. And notwithstanding the taking away the Power of the Bishop of *Rome*, by this or any other Act, every Archbishop, Bishop, Arch-Deacon, Commissary and Official, may Use and Exercise in the King's Name only, all such Canons, Constitutions, Ordinances and Synodals Provincial then made, not contrariant to the Laws and Customs of this Land, nor to the prejudice of the King's Royal Prerogative, in such manner as they were used before the making of this Act, till such time as the King Certify the contrary under His Great Seal, or shall otherwise be Ordered by Parliament.

**Rome.**

**XV. Dispensations, Licenses for Confirmation, for Marriage or otherwise, Granted to any of the King's Subjects of this Land, at any time before the making of this Act, not Repugnant to the Laws of God, the King's Laws or Prerogative Royal, to be of the same Force as they were before the making of this Act.**

**25. H. 8. Stat. 28. H. 8. Cap. 19. None shall pay any Pensions, Cences, Portions, Peter-pence, or any other Impositions to the Bishop or See of Rome.**

**Hob. Rep. 146. 1. Roll. 457. 468. 459. 571. Co. 4. Rep. fo. 98. Mop. Rep. 434. pl. 609. Golds. Rep. 192. pl. 97. 1. Roll. 460. Co. pl. 204. &c. 471. & 12. Rep. 70. &c. 4. Inst. fo. 377. Vaugh. Rep. 18, 19, 20, 27. Noyes Rep. fo. 94.**

**XVII. Neither the King nor any of His Subjects of this Realm, nor of any other His Dominions, shall Sue for any License, Dispensations, Faculties or any other Instruments of what nature soever, to the Bishop or See of Rome, or any having Authority by the same : But the Arch-Bishop of Canterbury shall have power (at his Discretion,) to Grant by an Instrument under his Seal to the King, as well all manner of Faculties, &c. not being Repugnant to the Holy Scripture and the Law of God, as heretofore hath been used to be obtained by the King at the See of Rome ; And all other Faculties, &c. as shall be necessary for the King's Honour and the good of this Realm, so as the same be not Repugnant to the Laws of God.**

**XVIII. And the said Arch-Bishop by himself, Commissary or Deputy, (by their Discretions) may by an Instrument as aforesaid, Grant to any of the King's Subjects, such Faculties, &c. as heretofore were had at the See of Rome; but shall not Grant any Faculties in unusual Causes, till the King or His Counsel shall first be made Acquainted, and Determine whether the same shall pass or no, upon pain that the Grantors thereof shall make Fine at the King's Pleasure : And if the King and His Counsel think fit they shall pass, then the said Arch-Bishop or his Deputy, having the King's License, by His Bill Assigned, shall Dispence with them accordingly.**

**XIX. But no manner of Dispensations, Faculties, &c. that the Tax thereof at Rome extended to 4 pounds or above, shall be put in Execution till the same be first Confirmed by the King under the Great Seal, and Inrolled in Chancery, in a Roll by a Clerk appointed for that purpose; and then the Lord Chancellor or Lord Keeper of the Great Seal in the King's Name, by Letters Patents under the Great Seal, to Confirm the same. And such Dispensations, Faculties, &c. where the Tax is under 4 pounds, need no Confirmation, unless the Procurers desire it ; and then they shall pay 5 shillings Fee for the Great Seal, to the use of the King, and not above : And all such Dispensations, Faculties, &c. thus Granted, shall be as Effectual in the Law in all Courts, as if they had been Ob.**

**Ve. Cro.  
Eliz. fo.  
341.**

Obtained of the See of *Rome*, or of any other person, by Authority thereof.

XX. And the Children Procreated after the Solemnization of any Marriages, had by vertue of such Licenses or Dispensations, shall be Reputed Legitimate in all Cases, and Inherit the Inheritance of their Parents within this Realm, and all other the King's Dominions, according to the Laws and Customs of the same.

*Ve. Hob.  
Rep. fo.  
148.*

XXI. The Arch-Bishop shall appoint a Clerk to Write and Register all Dispensation, Faculties, &c. (to be Granted by him) who shall find Wax Parchment and Silken Strings for the same. And the King by His Letters Patents under his Great Seal, shall appoint a Clerk learned in the Course of Chancery, who shall be always attendant on the Lord Chancellor or Lord Keeper of the Great Seal, who shall Inroll the Confirmation of all such Licences and Dispensations, &c. as shall be brought under the Archbishop's Seal for that purpose, which Clerks shall subscribe their Names to every such License, Dispensation, Faculty, &c.

XXII. Two Books to be made, in which the Taxes of all Accustomed Dispensations, Faculties &c. wont to be Sped at *Rome*, shall be contained; which Books and every Leaf thereof, and both the sides of every Leaf, shall be subscribed by the Arch-Bishop of *Canterbury*, the Lord Chancellor of *England*, the Lord Treasurer of *England* and the Two Chief Justices of both the Benches; one of which Books to Remain with the Arch-Bishop's Clerk of the Dispensations, Faculties, &c. and the other with the Clerk in the Chancery; to which Books all Suiters for Dispensations, &c. shall have Recourse, IF they Require it: And the Clerk in Chancery shall daily Note in his Book for that purpose, the Number and Quality of the Dispensations, Faculties, &c. that all Fraud may be Avoided.

XXIII. And none to pay more for Dispensations, Faculties, &c. than is set down in the said Duplicate Book of Taxes (only Compositions excepted) which being Arbitrary, no Tax can be made, which shall be set and limitted by the Discretion of the said Arch-Bishop of *Canterbury* and the Lord Chancellor of *England*, or the Lord Keeper of the Great Seal. And such as Exact or Receive more than is contained in the said Book of Taxes, shall Forfeit 10 times as much as he so Extortionately Receives, one Moyety to the King, and the other to him that will Sue for the same by Action, Bill, &c. in any of the Kings Courts, wherein no Essoin &c. shall be allowed.

XXIV. Where the Tax extends to 4 pounds or above, so that the Dispensation, Faculty, &c. must be confirmed under the Great Seal, then the said Tax shall be divided into 3 parts 2 whereof shall be received by the said Clerk of the Chancery to the use of the King, and Lord Chancellor or Lord Keeper of the Great Seal, and to the use of the said Clerk; and the

3d

## Rome.

3d part to be taken by the Arch-Bishop's Clerk, for the use of the same Arch-Bishop and his Commissary and the said Clerk; the 2d part aforesaid, to be divided into 4, in which 3 parts shall be to the King's use, and the 4th part shall be divided into 3, whereof the Lord Chancellor or Lord Keeper shall have two parts, and the said Clerk in Chancery the 3d for his pains. And the Arch-Bishop's 3d part of the whole Tax, shall be divided into 3 parts, of which the Arch-Bishop shall have two; and the other 3d part shall be divided into 2, of which the Clerk of the Faculties shall have one Moyety, and the Arch-Bishop's Commissary that Seals the same Faculties, &c. the other Moyety. And if the Tax be under 4 pounds, and not under 40 shillings, then the same shall be divided into 3 parts as aforesaid, the King to have two, Abating 3 shillings 4 pence; which the said Clerk in Chancery shall have for his pains; and the said Arch-Bishop and his Officers shall have the 3d part, which shall be divided into 2 parts, one to the Arch-Bishop, and his Scribe and Commissary the other equally to be divided. And if the Tax be under 40 shillings, but not under 26 shillings and 8 pence, then to be divided into 2 parts, one part whereof (deducting 3 shillings and 4 pence out of it for the Clerk in Chancery) shall be to the King, and the other part shall be to the Arch-Bishop and his Officers, which part being divided into 2 parts, he shall have one, and his Commissary and Scribe the other part equally between them. If the Tax be under 26 shillings and 8 pence, and not under 20 shillings, it shall be divided into 2 parts, the King to have one, Abating 2 shillings to the Clerk in Chancery, and the other part being divided into Three, the Arch-Bishop to have One part, and his Commissary and Clerk, each of them one other part. And if the Tax be under 20 shillings, then to go to the Commissary and 2 Clerks aforesaid, to be equally divided amongst them.

**XXV.** This Act shall not Inhibit the Arch-Bishop of York, nor any other Bishop, to Dispence as they were wont by the Common-Law and Custom of this Realm, before the making of this Act.

**XXVI.** During the Vacancy of the See of Canterbury, the Guardian of the Spiritualties there, shall Grant Licenses, &c. and if the Arch-Bishop or Guardian Refuse to Grant them, then the Chancellor of England or Lord Keeper of the Great Seal, shall Enjoin them, under a certain pain by the King's Writ, out of the Chancery directed to them, or otherwise to shew Cause; and if it appear to them upon Examination, to be just and reasonable, then to be allowed, if not, then the King upon Information thereof, by his Injunction under Seal out of the said Court of Chancery, under a certain pain may Command them; and if they Refuse and shew no just Cause to the King, then to Forfeit to the King such

such Penalty as shall be Limitted in the said Injunction; and the King, by Commission under the Great Seal may Impower two such Spiritual Prelates or Persons as will Grant the same, taking such Fees as aforesaid and not above.

XXVII. All Religious Houses Exempted (before the making of this Act) from the Visitation of the Arch-Bishop of *Canterbury*, shall still remain so, and shall be under the Visitation of such Commissioners as the King shall appoint by Commission under the Great Seal, so as the Popes Power shall be quite Excluded from any such Visitations, neither shall any Religious persons or other Reliant in any the King's Dominions, depart out of the same for any Visitation, Congregation or Assembly whatsoever, but that all such Meetings shall be within the King's Dominions.

XXVIII. But this Act nor any License or Dispensation to be Granted by vertue thereof, shall not extend to the Repeal or Derogation of the Statute of 21 H. 8. cap. 13. touching Pluralities of Benefices, or Non-Residence of Spiritual persons, nor give Licence to any of them to have any more Benefices than is Limitted by the Act.

XXIX. Whosoever, within the King's Dominions, shall at any time hereafter Sue to the Court or See of *Rome* for any Licence, Faculties, &c. or shall obey any manner of Proces from *Rome*, of what name or nature soever, in Derogation of this Act; all such Offenders, being Convict thereof, their Aitors, &c. shall Incur the Penalties mentioned in the Statute of Provision and *Premunire*, made in the 16. R. 2.

XXX. Grants and Confirmations of Liberties obtained from the See of *Rome* (before the making of this Act) to any Abbies or other Religious Houses, shall be of the same Effect as they were before this Act: And the Abbots, and Priors, &c. of Exempted Religious Houses, shall pay no Pensions to the See of *Rome*, nor admit of any Visitation or Confirmation from thence, of any person to be Elect, Named or Presented to be their Heads, nor shall make any Oath to the *Pope*: And in such Case where they were bound to obtain any Confirmation of their Election, it shall from thenceforth be had from such Commissioners as the King appoints, and not by the See of *Rome*; and where no such Confirmation was requisite, they shall still remain as before.

XXXI. Dispensations, Licenses, Confirmations, &c. obtained at the See of *Rome* before the 12th day of March, 1533. to any Subject, Born within the King's Dominions, or to the Hospital of the Prior of St. Johns *Jerusalem* in *England*, or to any Cathedral Churches, Hospital, Monasteries, Abbies, Priories, Colleges, Conventual Churches, Parochial Churches, Chappels, Fraternities, Brotherhoods or Bodies Politick within this Realm, shall remain and be of the same Force they had before the making of this Act, but such of them as are contrary to the express Provisions of the Laws and Statutes of this Realm, shall not be used or put in Execution.

XXXII. The

XXXII. The King, with the Advice of His Counsel may, Reform all manner of Indulgencies heretofore Obtained at the See of Rome.

XXXIII. This Act extending not only to *England*, but also to all the King's Dominions, and this Land of *Ireland* being His proper Dominion, and a Member appending and Rightfully belonging to the Imperial Crown of the Realm of *England*; It is therefore Enacted that this Act shall be of the same Force, within this Land of *Ireland*, as it is in *England*.

XXXIV. But this Act shall not be prejudicial to any Arch-Bishop, Bishop or Prelate of this Land, but that they may lawfully, notwithstanding this Act, Dispense in all Cases in which they were wont to Dispense, by reason only of their own proper Offices and Dignities, by the Common-Law or Custom of this Land, before the making of this Act.

XXXV. Commissioners appointed by the King, for using Ecclesiastical Jurisdiction or Granting of any Faculties, Licenses, &c. or other things mentioned in the Act, shall have the same Authority as the Arch-Bishop of *Canterbury* hath within the said Realm of *England* or this Land of *Ireland*.

XXXVI. The Chancellor of this Land, and all other persons appointed by the said Act, to Execute any thing for the perfection of the same, to have like Authority as the Chancellor of *England* and all other persons there.

1. El. Cap. 1. Eng.: 2. El. Cap. 1, The Statute of the 28. H. 8. Cap. 19. last before mentioned, and also the Statute of the 28. H. 8. Cap. 6. first mentioned in this Title, being Repealed by the Statute 3. & 4. P. & M. they are both Revived by this Statute of the 2. of El. and the Statute of the 3. & 4. P. & M. Re-pealed. And it is further Enacted, that no Foreign Prince, Person, Prelate, &c. shall Use or Exercise any manner of Power, Jurisdiction, &c. Spiritual or Ecclesiastical within this Realm, but the same is Annexed to the Crown, so that the Queen and Her Successors, by Letters Patents under the Great Seal of *England* or of this Realm: And the Governors of this Realm, by Letters Patents to be made by their Warrants under the Great Seal of this Realm, may Authorize such natural Born Subjects as they think fit, to Exercise the same within this Realm of *Ireland*.

XXXVIII. And for the better Observance of this Act, all and every Arch-Bishop and Bishop, and all other Ecclesiastical persons, and every Temporal Judge, Justice, Mayor, and other Lay or Temporal Ministers, and all persons receiving Fee or Wages from the Queen within this Realm, are enjoyned to take the Oath mentioned in this Act, (called the Oath of Supremacy) but now by the Statute of 3. & 4. Gul. & Mar. Cap. 2. this Oath is Abrogated and taken away: And all persons required to take the Oath of Supremacy, are now instead of it, to take the Oaths and subscribe the Declaration mentioned and set down in the said Statute of the 3. & 4. Gul. & Mar. which fee before in Tit. *Oath*, S. I. &c.

XXXIX. Re-

**XXXIX.** Refusers of the Oath to Forfeit their Spiritual and Temporal Promotion or Office during Life: And every person, before his Admittance to any such Promotion or Office, to take the said Oath, before such persons as are Authorized to Administer the same: And in case of Refusal, to be Adjudged Un-capable of having or receiving such Promotion or Office within this Realm.

**XL.** Every person Suing Livery or *Ouster le main*, and every Temporal person doing Homage to the Queen, Her Heirs or Successors, or received into their Service, to take the said Oath before the Lord Chancellor of *Ireland* or Keeper of the Great Seal, or before such persons as the Queen or Her Successors, or by the Governors of this Realm, by Letters Patents, to be made by their Warrant under the Great Seal of this Realm, shall be named and appointed. And all persons taking Orders, and every person promoted or preferred to any Degree of Learing in any University that shall be hereafter in this Realm, before his receiving or taking the same, to take the said Oath before their Ordinary, Commissary, Chancellor or Vice-Chancellor or their Deputies in the said University.

**XLI.** Provided that if any having a Temporal Office of Inheritance, shall at first refuse to take the said Oath, and yet doth afterwards take it, he shall be Restored to his Office, and may Exercise the same as he should or might do before such a Refusal.

**XLII.** No person whatsoever within this Realm; shall, by Writing, Printing, Teaching, Preaching, Express Words, Deed or Act Advisedly Affirm, Maintain and Defend the Power or Jurisdiction Spiritual or Ecclesiastical, of any Foreign Prince, Prelate, &c. within this Realm, and put in Execution any thing for the Extolling thereof, in pain that they, their Abet-tors, &c. (being thereof lawfully Convicted or Attainted) shall for the first Offence, forfeit all their Goods and Chattels, Real and Personal, and if the same be not worth 20 pounds, then besides the said Forfeiture, to suffer one year Imprisonment without Bail, and all their Ecclesiastical Benefices to be void; and the Patron or Donor may present or give the same as if the Incumbent were Dead; and for the second Offence, they shall Incur a *Premunire*; and for the third, shall be Adjudged Guilty of High-Treason.

**XLIII.** This Offence must be Prosecuted within one half year after the Offence Committed, if it be done by Preaching, Teaching or Words: And if the Offender be then in Prison for so Preaching, &c. and is not Indict'd for the same within half a year after the Offence Committed, then to be set at Liberty, and to be no longer kept in Prison for such Offence.

**XLIV.** This Act shall not extend to Repeal any Clause in the Statute of Repeal; made the 3, & 4. P. & Mar. touching any matters in cases of *Premunire*, nor to be prejudicial to any per-

sions for any Offence Committed contrary to the Effect of any Act Revived by this Statute, before the end of 30 days next after the end of this present Session of Parliament.

**XLV.** A Peer of this Realm, Indicted for any Offence that is Revived or made *Premunire* or Treason by this Act, to be Tryed by such Peers of this Realm of the English Blood, as the Governors of this Realm shall, by Commission under the Broad Seal appoint, and to have like Judgment, as in other Cafes of Treason and *Premunire* hath been used.

**XLVI.** No manner of Act, Order or Determination for any matter of Religion or Cause Ecclesiastical, made by this Parliament, shall be Adjudged any Error, Heresie, or Schism, neither shall any to whom the Queen, Her Heirs or Successors, or the Lord Deputy, &c. shall give Authority, by Letter Patents as aforesaid, to Execute Spiritual Jurisdiction, have Power to Adjudge any Matter or Cause to be Heresie, but only such as have been so Adjudged by Canonical Scriptures, or by the first Four General Councils or any of them, or by any other General Councils wherein the same was Declared Heresie by the express Words of Canonical Scriptures, or such as shall be so Adjudged hereafter by the Parliament of this Realm.

**XLVII.** No person shall hereafter be Indisted or Arraigned for any the Offences made, Ordained, Revived and Adjudged by this Act, but by two or more sufficient Witnesses to be produced *Viva voce* (if Living within this Realm) Face to Face before the Party so Arraigned, to testifie their knowledge, if he require the same.

**XLVIII.** No person shall be questioned for Relieving, Aiding or Comforting any such Offender as aforesaid, unless it be testified by two sufficient Witnesses at least, that at the time of such Relief, Aid, &c. the Party had Notice of such Offence Committed.

### School and School-Masters.

I. **S**TAT. 28. H. 8. Cap. 24. Persons not able to keep their Children at School at the Age of 10 years, shall put them to Handicrafts or Husbandry, upon pain of six shillings eight pence, to be Forfeited to the Lord of the Mannor, to be Presented and Inquired of in his Court, and if he have none, then to the King; and Justices of the Peace in the King's Courts, are to Inquire thereof as they do of the Penal Statutes, and to see the same put in Execution.

II. **S**TAT. 12. EL. Cap. 1. There shall be a Free School in every Dioces of this Realm, and the School-master shall be an Englishman, or of the English Birth of this Realm, and the Arch-Bishop of Armagbcanon and of Dublin, the Bishops of Meath and Kildare, and their several Successors for ever shall have the Nomination, every one within his own Dioces of the School-masters for ever, and the Governor of this Realm the Nomination of all the Rest.

III. The

III. The School-house of every Diocese shall be Built in the principal Shire Town of the Diocese (where they are not already Builded) at the Costs and Charges of the whole Diocese, without respect of Freedoms, by the Oversight of the Ordinaries of the Diocese, or of the Vicars General (*Sede Vacante*) and the Sheriff of the Shire.

IV. The Governor, &c. with the Advice of the Council or Major part thereof, shall according to the Quality and Quantities of every Diocese, appoint every School-master, such several Pensions (where none is already appointed) as they think convenient, whereof the Ordinary of every Diocese shall pay a Third part, and the Clergy of his Diocese the other Two parts, by an equal Contribution to be made by the said Ordinaries.

V. And all Ecclesiastical Livings, come by any means to the Possession and Seisin of the Queen or any of Her Progenitors, shall (in whose Hands or Possession soever they are or shall come to) be Chargeable with this payment.

VI. Stat. 7. Gul. 3. Sess. 1. Cap. 4. No person whatsoever of the Popish Religion, shall Publickly Teach School, or Instruct Youth in Learning, or in any private Houses within this Realm (except only the Children of others under the Guardianship of the Master or Mistres of such private House) upon pain of 20 pounds, and also of being Committed to Prison without Bail or Mainprize, for the space of three Months for every such Offence.

*Quere by  
whom the  
Offenders  
shall be  
Committ-  
ted.*

VII. The Act of the 28. H. 8. Intituled, *An Act for the English Order, Habit and Language*; whereby its Inserted (amongst other things) that every Incumbent of each Parish within this Kingdom, shall keep or cause to be kept, within the Parish, Territory or Place where he shall have Preheminence, Rule, Benefit or Promotion, a School to Learn English; (Which see here before in Tit. *English Language*) And also one other Act of 12. El. Intituled, *An Act for the Erecting of Free-Schools*; (being the Act here before mentioned §. 2.) And all other Acts and Statutes in Force in this Realm, concerning Schools, to be strictly Observed and put in Execution, according to the good Intent of the same; And the Justices of the King's Bench each Term, and the Judges of Assize, in their Circuits, and the Justices of the Peace, in their General Quarter-Sessions of the Peace, are required to give this and the said former Acts in Charge, from time to time, to the several Grand Juries, to be then Impannedel and Charged, and to be very Circumspect in seeing the same put in Execution.

## Scots.

I. Stat. 10. Car. 1. Sess. 3. Cap. 4. All Scottish Undertakers, in the Province of Ulster and other Places of this Kingdom, and every Scottish-Man or Scottish-Woman, which were Born before the time of King Jac. 1. His Accession to the Crown of

## Scots. Seal. Servants.

*England and Ireland*; and all persons of the Scottish Blood and Nation hereafter wheresoever, to be Born within any the King's Realms and Dominions of what Degree soever, and the Issues and Posterity of them, shall be Adjudged the King's Natural Liege Subjects of this Realm, and shall have and enjoy the full Benefit of the Laws and Customs of this Realm, to all Intents and Purposes as any Englishman whatsoever, within this Realm hath or may enjoy.

II. And they may Sue and be Sued in all the Courts of Justice or elsewhere within this Realm, as Free Born Subjects of this Realm, and may Enjoy and Purchase or Receive by Gift or otherwise, any Mannors, Lands, &c. Goods and Chattels, Reals and Personals whatsoever, and may Inherit as Heirs to their Ancestors, Lineal or Colateral, &c.

III. And also may Prosecute and Defend all manner of Actions and Sutes, and all other lawful things whatsoever, as lawfully and freely, as any persons naturally Born within the said Realm, may in any wise lawfully do.

IV. But this Act shall not extend to avoid any Estate or Interest in any Mannors, Lands, &c. Accrued to King *Car. I.* or *Jac. I.* for want of Denization or Naturalization of any such persons, and which Appears by Office already found and returned, and Remaining upon Record, or by other matter of Record.

### Seals.

I. *Stat. 10. H. 7. Cap. 3.* The King's Great Seal, Privy Seal and Letters Missive, under His Signet sent out of *England* shall be Obeyed in *Ireland*.

II. *Stat. 7. H. 8. Cap. 1.* Every Person bringing Letters out of *England*, under the King's Privy Seal, against any of the King's Subjects here for particular Causes, shall at his coming hither, be bound in Recognizance with sufficient Sureties in the Chancery, that if the Defendant on his Appearance before the King and Council in *England*, Clear himself, that then the Party Plaintiff shall pay him his Costs and Damages sustained by reason thereof.

### Servants.

21. *H. 8.* I. *Stat. 33. H. 8. Jeff. 1. Cap. 5.* If any Servants having *cap. 7. En.* the Charge of their Master or Mistresses Caskets, Jewels, Money, Goods or Chattels, do go away with the same or any part *Inst. f. 105.* thereof, to the Intent to Steal them, or do without Consent, *Cap. 44. &c.* Imbesel the same or any part thereof, or otherwise Convert *Dyers Rep.* them to their own use, with like purpose to Steal them, if the *f. 5. pl. 2.* same be of the value of 40 shillings or above, it's made Felony, *a. b. 21. H. 6. f. 29. b.*

II. But this Act shall not extend to be prejudicial to Apprentices, nor to any person within the Age of 18 years, going away *Ve. Moo. Rep. fol. 248. pl. 392.*

way with their Masters Goods, or Jewels, or Converting them to their own use, during the time of their Apprenticeship, or being under such Age.

III. Stat. 33. H 8. Sess. 1. Cap. 9. The Justices of the Peace in every County, shall yearly at their Easter and Michaelmas Sessions, make Proclamation according to their Discretions, how much every Mason, Carpenter, Slater, and other Artificer and Labourer, shall take by the day, either with or without Meat and Drink : And also at Easter Sessions, how much every Servant in Husbandry, shall take by the year following, with, or without Meat and Drink, which all the said Artificers, Labourers, &c. shall obey, in pain of Forfeiting the thing so taken, one half of it to the King, and the other half to the Informer, and to be Imprisoned at the Discretion of the said Justices.

IV. The Justices of Peace at their Sessions, shall Inquire, Hear and Determine the same Offences, and all former Acts made concerning the Limitation of Wages, for the said Servants, Artificers, &c. shall be void.

V. This Act being made to endure till the next Parliament, to be held within this Land, is by the Statute of the 11. El. Sess. 1. Cap. 5. Revived and made Perpetual.

## Settlement.

I. Stat. 14, & 15. Car. 2. Sess. 4. Cap. 2. This Act being made for the better Execution of His Majesties (Car. 2.) Gracious Declaration for the Settlement of his Kingdom of Ireland, and Satisfaction of the several Interests of Adventurers, Soldiers and other His Subjects there. And also the Statute of the 17, & 18, Car. 2. Sess. 5. Cap. 2. made for the Explaining some doubts arising upon this former Act, and for making some Alterations of, and Additions unto the said Act, for the more speedy and effectual Settlement of the said Kingdom. It being thought neither necessary nor requisite to Abridge them, I have therefore Declined the Undertaking, and shall only Insert the Abridgment of the Stat. 10. Gul. 3. made this last Session of Parliament, for Confirming Estates and Possessions, held and enjoyed under the said Acts of Settlement and Explanation, as follows.

II. Stat. 10. Gul. 3. Sess. 2. Cap. 7. After the 29th day of October, 1698. no persons Enjoying any Houses, Lands, &c. by vertue of any Certificates and Letters Patents, pursuant to the aforesaid Acts of Settlement and Explanation, or either of them, shall be liable to be Removed from thence, or be obliged to Relinquish their Interest therein, on any Reprizals given or offered to be given, by any persons Intituled or pretended to be Intituled to the same, as Nominee, Letteree, Ensign man, Proviso man, or by any other ways whatsoever, by vertue of the said Acts or either of them ; but that every such Patentee,

## Settlement.

**Patentee, His Heirs and Assigns,** shall and may for ever hold and enjoy the same Houses, Lands, &c. to him and them, Freed and Discharged from the several Clauses and Provisoes in the said Acts or either of them, whereby he was made liable to accept of Reprizals for the same ; and shall hold them for the future, Confirmed unto him, his Heirs and Assigns, according to the Estate limited in the said Letters Patents, against all persons Claiming the same as *Nominee*, &c. to all intents and purposes, as any other Patentee, by virtue of the said Acts, does or ought to Enjoy the Houses, Lands, &c. Granted to him. And also that none Decreed Innocent (and by his Decree left to the Law) who hath not hitherto brought his Action and actually Recovered the Houses, Lands, &c. (for which he was so left to Law) shall at any time after the passing this Act, be admitted to Sue for the Recovery thereof, but shall be Debarred from so doing, and his pretended Right be for ever Determined.

III. All Judgments, Recognizances, &c. Acknowledged or Entered into, on or before the 23d day of *October*, 1641. which are not Decreed to the Party Claiming the same, or to those under whom he Claims, by the said Commissioners for Executing the Act of Settlement, nor saved in the Letters Patents, Granted of the Lands, &c. pretended to be liable thereunto, not now Depending, or if Depending, have not been Prosecuted since the 3d day of *October*, 1691. then after the 29th day of *October*, 1698. no Action shall lye, nor Sute be Admitted or Prosecuted, or any such ancient Incumbrance, for the Charging any Lands, &c. so Granted in Patent as aforesaid, in any Court either in Law or Equity ; but that the said Lands so Granted in Patent, shall be Discharged thereof : And no Process *Scire facias* or Execution whatsoever, shall ever Issue at any time hereafter on any such ancient Incumbrances, but that the same (as to the Patentee, his Heirs and Assigns, and the Lands so Granted in Patent to him) shall be Adjudged Null and Void.

IV. Provided that nothing herein shall extend to prejudice any Debt, Right, Title, &c. unto any Lands, &c. contained or mentioned in any Judgment or Decree, obtained by any Protestants in the late Court, or pretended Court, for Adjudication of Claims, or in the Court of Exchequer, or in any the 4 Courts Sitting at *Dublin* before the 22d day of *August*, 1663. nor to any Chieffry or other Incumbrance, whereon any Interest, Sum of Money or other Consideration, hath been received since the Passing the Letters Patents of such Forfeited Lands, &c. Claimed to be liable thereunto.

V. All Letters Patents, at any time Passed to any Deficient Adventurer or Soldier, Reprizable by the said Acts or either of them his or their Assigns, or to any in Trust for them, of any Lands, &c. which have been, or were at any time before

fore the Passing such Letters Patents, Seized, &c. on Account of the said Rebellion broke out in this Kingdom, on the 23d Day of October, 1641. or otherwise Vested in the late King Car. 1. & Car. 2. or either of them, by Virtue of the said Acts or either of them, as a Reprizal to such Deficient Soldier or Adventurer; such Letters Patents, And the Lands, &c. so Passed in Patent, as a Reprizal as aforesaid, on the 29th day of October, 1698. in the actual Possession of such Patentees or their Heirs or in Trust for their use, or in the Possession of any deriving under them, are Confirmed (as to such Lands so Passed in Reprize) to them, according to Tenor of the said Letters Patents; and the Estates and Titles of any Claiming or Deriving any thing out of the said Lands, &c. in such Letters Patents, contained by virtue thereof, in as ample manner to all intents, as if such Letters Patents had been Passed on Certificates, pursuant to and by virtue of the said Act or either of them, and Freed and Discharged from all such Incumbrances, and in such manner as the Lands, &c. of Adventurers and Soldiers, who have Passed Patent on Certificates, are by this Act.

VI. All Reliefs already due to His Majesty or any of His Predecessors, or which hereafter may be Claimed as due to the King, His Heirs or Successors, are for ever Remitted and Discharged, and all the Lands, &c. in this Kingdom, out of which any Relief or Sums of Money as Reliefs, have been, are, or here after may be Claimed or Demanded as due, are for ever Discharged of the same: And no persons whatsoever shall be Sued or Impleaded in any Court whatsoever for the same, or for any Arrears thereof.

VII. This Act shall not extend to prejudice the Right, &c. of John Vernon Merchant, Son, Heir and Administrator of John Vernon Esq; Deceased, to the Mannor, Castle, Town and Lands of Clantaff and Holy-Brooks, with the Islands and Apertances thereunto belonging, lying and being in the County of Dublin, and County and City of Dublin.

VIII. Saving to the King, His Heirs and Successors, all such Right, &c. to all and any the Houses, Lands &c. which have been Passed in Certificate and Patent, by Randal late Lord Marques of Antrim, his Heirs or Assigns, or any Deriving under them, in the same Manner as if this Act had never been made.

IX. Saving also to the King, His Heirs and Successors, all such Right, &c. which he had before the passing this Act, to the Lands of Irish-Town, in the Barony of Rathconra, and County of Westmeath.

X. Provided that nothing in this Act, shall extend to confirm to Richard Coot, Esq; or to the Heirs or Assigns of his Father Charles, late Earl of Mountrath, their Estate or Possession of any Lands, &c. which were the Estate of Jenico, late Lord Viscount

## Sheep.

**Viscount Gormanstown, or of Nicholas late Lord Viscount Gormanstown,** his Father; or to Debar any Deriving under them, from Having and Recovering all or any of the Lands &c. that were held and enjoyed by the said late Lord Viscount in his Life time, or to have or recover any Rent, Charge, &c. Issuing thereout, or Charged thereout, or Charged thereupon, in such manner as they might have done if this Act had never been made.

**XI. Stat. 10 Gul. 3. Sess. 2. cap. 16.** By a Clause in this Statute, it is Enacted, that nothing in the last before mentioned Act, shall be taken, Construed or Intended, to Barr the Right, Title or Interest of any Arch-Bishop, Bishop, Dean, &c. or any of their Successors, to any Lands, &c. they or any of them were Intituled unto, at the time of Passing the said Act, but that they and every of them, and their respective Successors, shall have such Right and Title, as they or any of them had, at or before the making the said Act: And may be at Liberty to Prosecute any Action, Commence any Suit, Distain or Pursue such Methods for Recovery of such their Right and Title, to any Lands, Tenements, Chieffries, Rent-Charges Royalties or Privileges, as they might have done at or upon the First day of October, 1698. any Thing in the said Recited Statute to the contrary notwithstanding.

## Sheep.

**I. Stat. 8. Eliz. Cap. 3. Engl.** None shall Deliver, Send, Receive or Take, or Procure to be Brought, &c. into any Ship or Bottom, any Rams, Sheep or Lambs, or any manner of other Kind of Sheep being alive, to be Carried and Conveyed out of the Realm of England, Wales or Ireland, upon pain that such Persons their Aiders, Abettors, &c. Offending herein shall for the first Offence Forfeit all his Goods, One Moyety thereof to the Queen, Her Heirs and Successors, the other Moyety to him or them that will Sue for the same, in any Court of Record, wherin no Essoin, &c. shall be admitted; and further shall suffer a years Imprisonment without Bail: And at the years end, shall in some open Market-Town, in the fulness of the Market, upon some Market-day, have his left Hand Cut off, and to be Nailed up in the openest Place of such Market: And for the Second Offence to be Adjudged a Felon, and suffer Death, as in Case of Felony,

**II.** This Act shall not extend to Corruption of Blood or Loss of Dower.

**III.** Justices of Oyer and Terminer of Goal-Delivery and of the Peace, in every County and Shire, have Power to Inquire of, Hear and Determine this Offence,

**32. Car. 2. Cap. 32. Engl.** None shall directly or indirectly Export or cause to be Exported, from the Kingdom of Ireland, any Sheep or Wooll whatsoever, of the Breed or Growth

Growth thereof, or any Woollfells, Mortlings or Shortlings or any Yarn made of Wooll, or any Woollflocks, or any Fullers-Earth or Fullin-Clay, nor Pack or Load upon any Horse, Car or other Carriage, or Load or Lay on Board, in any Ship or other Vessel, in any Port or Place within the Kingdom of *Ireland*, any such Sheep, Wooll, &c. to the intent to Export the same out of the said Kingdom, into the Kingdom of *Scotland*, or any Foreign Parts.

V. And no Wooll, Woollfells, &c. shall be Exported out of the Kingdom of *Ireland*, or out of any Port or Place thereof, into the Isles of *Jersey* or *Guernsey*, or to *Sark* or *Alderney*, except as hereafter limitted.

VI. Every Offender, herein, shall Forfeit the said Sheep, Wooll, &c. and 20 shillings for every Sheep, and 3 shillings for every pound Weight of such Wooll, Woollfells, &c. And the Owner of the said Ships or Vessels, knowing such Offence, shall Forfeit all their Interest in the same, with all their Apparel and Furniture; and the Master and Marriners thereof, knowing the same, and Wittingly Assisting, shall Forfeit all their Goods and Chattels, and have Imprisonment 3 months without Bail, One Moyety of the Penalties and Forfeitures to the King, His Heirs and Successors, and the other Moyety to him that will Sue for the same, by Action of Debt, Bill, &c. in any of the King's Courts of Record, wherein no Essoin, &c. shall be allowed.

VII. If any Merchant, or other person or persons, shall Transport any Sheep, Wooll, &c. and be there lawfully Convicted, he shall be Disabled to require any Debt or Accompt of any Factor or others, for or concerning any Debt, or Estate properly belonging to such Offender. This Act is not to take away any greater Pains or Penalties, to be inflicted for any the Offences aforesaid, by virtue of any former Act of Parliament in Force.

VIII. The Offenders to be Prosecuted, within one year next after the Offence Committed.

IX. It's made lawful for any, to Seize to the use of himself and the King, such Sheep, Wooll, &c. which they shall see, find or know, to be Laid on Board any such Ship, &c. or Carried or Laid on Shore, at or near the Sea, or any Navigable River or Water, to the intent to be Exported as aforesaid, and to have the full Moyety thereof to themselves, but such persons making such Seisures, shall not be allowed to give in Evidence upon their Oaths, against those which shall happen to be Indisted, Accused or Questioned, by virtue of this Act.

X. Every Ship, Vessel, &c. of what kind soever, whereof any Alien Born, or whereof any Natural Born Subject, not Inhabiting within the Realm of *England*, shall be Owner or part Owner, and wherin any Sheep, Wooll, &c. shall happen to be Shipped, contrary to this Act, shall be Forfeited to the King, His Heirs and Successors.

# Sheep.

**XL.** This Act shall not extend to an Lamb-Skin ready Drest and Prepared fit and useful for Lynings, nor shall it extend to the Transporting, and Carrying away of any such Wooll-fells or Pelts, with such Wooll upon them, or to any Beds, Stuffed with Flocks, which shall be carryed in any Ship or other Vessel, for necessary use only, about the Ordinance or other thing in or concerning such Ships or Vessels, or only for the necessary use of any persons therein, and which shall not be uttered in any Foreign parts out of the Kingdom of Ireland, nor to the Exporting or Carrying of any Wether Sheep, or of the Wooll growing upon them, to be Carried alive in any Ship or other Vessel, for the necessary Food or Diet, of the Passengers or other persons therein, and for no other purpose.

**13, &c. 14.  
Car. 2. §.  
2. Cap. 18.  
Engl.** **XII.** Stat. 13 & 14. Car. 2. & Jeff. 2. Cap. 18. Engl. This Statute begins *Verbatim*, as the first Clause of the last mentioned Act begins, which see here before §. 4. and the Offences are made Felony.

**XIII.** And every Owner of such Ship, &c. and of every Horse, Cart or Carryage, upon which any Sheep, Wooll, &c. shall be so Exported, Carried, &c. and every Master, Mariner, Factor or Servant, or other person whatsoever, and every Customer, Comptroller, Waiter, Searcher, Surveyer, or other Officer or person whatsoever, knowing of such Exportation, &c. and being Aiding or Consenting thereunto, are made Felons.

**XIV.** But these Clauses and so much of this Act as relates to the making the Exportation of Wooll, Felony, are all Repealed by the Statute of the 7 & 8. Gul. 3. Cap. 28. Engl.

**XV.** None shall pres together with Screws, Presses or other Engines, into any Sack, Pack, or Bagg or other Wrapper, or shall Put, Press, Pack or Stean, any Wooll whatsoever, or any Yarn made of Wooll, in any Butt, Pipe, Hogshead, Chest, or any other Cask or Pres, upon an pretence whatsoever, or shall Carry or Lay, at or near the Shore or Coasts of the Sea, or of any Navigable River, or into any House or Place near adjoining thereunto, any such Wooll, Wooll-fells, &c. with Intention to Export the same, out of the Kingdoms of England or Ireland, into the Kingdom of Scotland, or unto any Foreign parts, on pain of Forfeiture thereof.

**XVI.** No Packs, Sacks, Baggs or Cask of any Wooll, Wooll-fells, &c. shall be laid or loaded on any Horse Cart, or other Carriage whatsoever, or shall be Carried or Conveyed by Land, to or from one place or places, within the Kingdom of Ireland, to another, but in the day time and at reasonable hours; That is to say, from the first day of March, to the 29th day of September, yearly, between the hours of 4 of the Clock in the Morning, and 8 in the Evening; and from the 29th of September, to the first day of March, between the hours

hours of 7 in the Morning, and 5 in the Evening, on pain of Forfeiture of all such Goods, or the value thereof, to be Divided and Recovered as afore-shewed, §. 6.

XVII. This Act is not to extend, to Repeal or make void any the Penalties, Causes, or Provisoes, in the Act of the 12 Car. 2. Cap. 32. (here afore-mentioned) or to Prohibit the Loading on Board of any Ship or Vessel, of any Wether-sheep, &c.

XVIII. If any Owner of any Ship or Vessel, or any Master or Marriner, knowing of any such Transportation of such Sheep, Wooll, &c. shall within 3 Months next after such knowledge thereof, or after his Return into the Kingdom of England or Ireland, give the first Information, *Bona fide*, &c. of the Number and Quantity of the Goods mentioned in this Act so Transported, &c. then such Owner, &c. shall not be punished for Felony, by this Act, (nor shall they be punished for Felony, if they make no Information, because such part of this Act, as relates thereunto, is Repealed, as is shewed here before, §. 14) but shall be subject to all Penalties and Forfeitures in this or any other Act, contained for the Offence aforesaid: and all such Exportation of any the Goods, Wares or Commodities in this Act mentioned, is declared a Common Nuisance.

XIX. Justices of Assize, of Goal Delivery and of the Peace, may Hear and Inquire of all the Premisses, in their General Quarter-Sessions, and Hear and Determine the same; and all Mayors, Bailiffs, and other Head Officers, of Cities, Burroughs and Towns (not having Jurisdiction to Try Felony) may Inquire of all and every Offence (not made Felony) and Hear and Determine the same.

### Sheriffs

I. Stat. 10. Car. 1. Sejj. 3. Cap. 18. Every Under-Sheriff 27. El. cap. 12. Engl. in any Shire or County within this Realm, before he Inter- meddle in the said Office shall take a Corporal Oath before the Justices of Assize or one of them (for that Circuit wherein the County is) whereof he shall be Under-Sheriff, or before the *Custos Rotulorum*, and 2 Justices of the Peace (*Quor. unus*) of the said County, which Oath shall be as follows, *viz.*

I A. B. Shall not Use or Exercise the Office of Under-Sheriff Cor ruptly, during the time that I shall continue therein, neither shall or will Accept, Receive or Take, by any Colour, Means or Devise whatsoever, or Consent to the taking of any manner of Fee or Reward, of any person or persons, for the Impannelling or Returning any Inquest, Jury, or Tales, in any Court of Record, for the King, or between Party and Party, above 2 shillings, or the value thereof, or such Fees as are allowed and appointed for the same, by the Laws and Statutes of this Realm; but will according to my power, Truly and Indifferently, with convenient Speed Im pannel

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pannel all Juries, and Return all such Writ or Writs touching the same, as shall appertain to be done by my Duty or Office, during the time, that I shall remain in the said Office. So help me God.

**Ve. Jones Rep. fo. 249, 250.** II. Every Bailiff or Franchises, Deputy and Clerk, of every Sheriff or Under-Sheriff, that have Authority, or take upon them to Impanel or Return any Inquest, Jury or Tales, or to Intermeddle with Execution of Process in any Court of Record, shall before he Intermeddle with any further Execution thereof, Receive and take the Oath aforesaid, Corporally, before the person or persons appointed by this Act to Minister the same, or before the Head Officer of the Place (if it be a Town Corporate) Changing only the words, in the Office of Under-Sheriff, contained in the Oath expressed in this Act, to such words as are convenient for the Deputation, Office or Place, in which the Party that taketh the Oath, is to be Exercised; and if any of the said persons (Limited to take the Oath aforesaid,) do take upon him to Intermeddle in his Office before the taking the said Oath, every such person shall Forfeit the Sum of 40 pounds, of Currant English Money, one Moyety to the use of the King, and the other Moyety to him or them that will Sue for the same.

III. If any of the persons aforesaid, shall do any thing contrary to the Oath aforesaid, every such Offender shall Forfeit, for every such Offence, to the Party or Parties Grieved, his or their treble Damages: The said several Forfeitures before mentioned, to be Recovered by Action of Debt, Bill, &c. in any of the King's Courts of Record, wherein no Wager of Law, &c. shall be allowed.

IV. Justice of Assize, and of the Peace, in their open Sessions, have Power to Hear and Determine the Faults done contrary to this Act, as well by Presentment and Information, as Indictment; and upon Conviction of the Offenders, to Award Execution for Levying of the Forfeitures aforesaid, by *Fieri facias*, Attachment, *Capias* or *Exigent*.

**21. Jac. 1. cap. 5. En.** V. **Star. 7. Gul. 3. Sess. 1. Cap. 13.** Every Sheriff who shall Pass his Accounts, and have his *Quietus est*, from thenceforth he, His Heirs, Executors and Administrators, Lands, Tenements, Goods and Chattles, shall be Discharged from all Sums of Money, by him Levyed or Received, and pretended not to be Accounted for, unless he, his Executors or Administrators, be called in question for the same, within the space of 4 years, after the time of such Accomp Pass'd, and *Quietus* Obtained.

VI. Every Officer sending out, or causing to be sent out, any Process, or by whose Default any shall Issue out contrary to this Act, shall Forfeit for every such Offence 40 pounds, to the Party grieved thereby, with Costs and Damages to be Recovered by Action of Debt, &c. in any of the King's Courts of Record at *Dublin*, at the Plaintiff or Prosecutors Election, wherein no Priviledge, Protection, &c. shall be allowed.

VII. And

VII. And every such Offender, being 3 times lawfully Convicted thereof, shall be utterly Disabled to Hold or Execute, by himself, his Deputy or Deputies, any Office or Imposition in any Court of Justice whatsoever.

VIII. None Having, Using or Exercising the Office of Sheriff Stat. 1. or Sub-Sheriff, of any County or Counties, shall during such *Nar. Parl.* time, Use or Exercise the Office of Justice of the Peace in 1. *Seß. 2.* the same County or Counties: And every Act to be done (from and after the end of this Session of Parliament) as a Justice of the Peace, by any such Sheriff or Sub-Sheriff, shall be void; and for every such Offence to Forfeit 20 pounds, one Moyety to the King, His Heirs and Successors, and the other Moyety to the Prosecutor, in any of the Courts of Record at *Dublin*, by Action of Debt, &c. whereof no *Essoin*, &c. shall be allowed.

### Ships & Shipplings

I. Stat. 12. Car. 2. Cap. 18. Engl. No Goods or Commodities whatsoever shall be Imported into or Exported out of any the King's Plantations or Territories of *Afia*, *Africa* or *America* in any other Ships or Vessels whatsoever, but in such as do truly and without Fraud, belonging only to the People of *England* or *Ireland*, *Wales* or Town of *Berwick upon Tweed*, or are of the Built, or belonging to the said Lands, Islands, Plantations or Territories, as the Proprietors and right Owners thereof, and whereof the Master and three Fourths of the Marriners at least, are English, upon pain of Forfeiture of all the Goods and Commodities, Imported into, or Exported out of any of the said Places, in any other Ship or Vessel; and also the said Ship or Vessel with all its Guns, Furnitures, &c. One Third part thereof to the King, One Third part to the Governour of such Island or Territory, where such Default shall be Committed, if there Seized, if not, then the said Third part to the King, and the other Third part to him or them that will Seize, Inform or Sue for the same, in any Court of Record, by Bill, &c. wherein no *Essoin*, &c. shall be allowed. And all Admirals and other Commanders at Sea, if any of the Ships of War, are required to Seize the same as Prize Goods, and Deliver them to the Court of Admiralty, there to be Proceeded against; and in case of Condemnation, one Moyety to the use of the said Commanders and their Companies, to be Divided among them, according to the Rules of Prizes taken at Sea, and the other Moyety to the King.

12. Car. 2.  
cap. 18 En.  
Confirmed  
by the 13.  
Car. 2. Cap.  
14. Engl.  
7 & 8. Gul.  
3. Cap. 22.  
Engl.

II. No Goods or Commodities whatsoever, of the Growth, Production or Manufacture of *Africa*, *Afia* or *America*, or any part thereof, as they are Described in Mapps of those Places, shall be Imported into *England*, *Ireland* or *Wales*, the Isles of *Guernsey* or *Jersey* or Town of *Berwick upon Tweed*, but in such Ships belonging to the people of *England*, *Ireland*, *Wales*, &c. as aforesaid

## Ships and Shipping.

aforesaid, upon Penalty of Forfeiture of the Ships or Vessels, Goods and Furniture thereof, as aforesaid, one Moyety to the King, and the other Moyety to him or them that shall Seise or Sue as aforesaid.

III. No Goods or Commodities of Foreign Growth, Production or Manufacture, shall be brought into *England, Ireland, Wales, Guernsey or Jersey Islands, or Town of Berwick upon Tweed*, in English Ships, Navigated by English Mariners, as aforesaid, but only from the places of their growth, or from the Ports where they have been first usually Shipped for Transportation, upon pain of Forfeiture of the Ship or Vessel, Goods, &c. as aforesaid; and to be divided between the King, Seiser or Informer as aforesaid.

IV. Any sort of Ling, Stockfish, Pilchard or other dried or salted Fish, usually Fished for, and Caught by the People of *England, Ireland, Wales or Town of Berwick upon Tweed*, or any sort of Codfish or Herring, or any Oyle or Blubber, made of any kind of Fish, or any Whale-Fins, or Whale-Bones Imported, not Caught in Vessels truly belonging to *England, Ireland, &c.* as right Owners thereof, and the said Fish not Cured and Dryed, and the Oyle, &c. not made by the people thereof, shall pay double Aliens Customs.

V. No Goods or Commodities, shall be Laded or Carried from any Port or Creek of *England, Ireland and Wales, Islands of Guernsey, or Jersey or Berwick*, to another in the Bottom, Ship or Vessel, of any Alien not Denized, upon pain of Forfeiture of all such Goods, Ship or Vessel, &c. as aforesaid, and to be divided between the King, Seiser or Prosecutor as aforesaid.

VI. Eases and Abatements in the Book of Rates, to extend only where  $\frac{3}{4}$  Fourth parts of the Mariners be English, during the whole Voyage, unles in case of Sickness, Death or being taken Prisoners in the Voyage.

VII. No Goods of the Growth or Manufacture of *Russia or Muscovy*, nor no sorts of Masts, Timber, Boards, Foreign Salt, Pitch, Tarr, Rosin, Hemp or Flax, Raisins, Figgs, Prunes, Olive-Oyls, no Sort of Corn or Grain, Sugar, Pot-Ashes, Wines, Vinegar, or Spirits called *Aqua vita*, or Brandy wine, shall be imported into *England, Ireland, Wales or Town of Berwick upon Tweed*, but in such Ships or Vessels, as truly belong to the people thereof, whereof the Master and  $\frac{3}{4}$  Fourths of the Mariners at least are English, nor any Currants or Commodities of the Growth, Product or Manufacture of the Ottoman or Turkish Emperors Dominions shall be Imported into any the afore-mentioned Places, but only in Vessels which are English-Built, and Navigated as aforesaid, and in no other, except such Vessels as are of the Built of that Country or Place of which the said Goods are the Growth, &c. or of such Port, where the said Goods can only be, or most usually are first Shipped for Transportation, and whereof the

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the Master and 3 Fourths of the Mariners at least, are of the said Country, upon pain of Forfeiture as aforesaid, to be Disposed and Recovered as aforesaid.

VIII. For Preventing Frauds Concealing Aliens Goods, all Wines of the Growth of *France* or *Germany*, Imported into *England*, *Ireland*, *Wales* and *Berwick*, in any other Ship or Vessel, than belonging thereunto, and Navigated with the Mariners thereof as aforesaid, shall be deemed Aliens Goods, and pay all Strangers Customs and Duties to the King, and also to the Town or Port into which they shall be Imported. And all Masts, Timber-Boards, Foreign Salt, Pitch, Tarr, &c. Wines of the Growth of *Spain*, *Canary Islands*, *Portugal*, *Madera Western Islands*, *Muscovy*, or *Russia*, Imported into any the aforesaid Places, in any other Ships, and so Navigated; and all Currants of *Turky* Commodities, that shall be Imported into any the Places aforesaid, in any other than English Built Shipping, and Navigated as aforesaid, shall be deemed as Aliens Goods, and pay accordingly to the King, and to the Town or Port, into which they are Imported.

IX. Officers of the Custom, may not allow any the Privileges aforesaid, to Foreign Built Ships, nor to English built Ships for Foreign Goods, without Certificate and Proof by Oath taken before them (of which they shall keep a Register, and Return a Duplicate thereof to the Chief Officers of the Customs at *London*, if Granted in *England*, and to the Chief Officers of the Customs at *Dublin*, for such as shall be given in *Ireland*) and Examination whether the Master and 3 Fourths of the Mariners at least be English, or of the Country from whence they came, upon pain to Forfeit their Places.

X. A Proviso not to Restraine the Importing of any of the commodities of the *Streights* or *Levant Seas*, Loaden in English Built Shipping, Manned and Navigated as aforesaid, from the usual Places for Lading of them, though the said Commodities be not of the very Growth thereof.

XI. The like Proviso for Importing of any *East India* Commodities, Laden in any part of the Seas, to the Southward and Eastward of *Capo bona Speranza*, although the said Commodities be not of the Growth of the said Places.

XII. Proviso to that the people of *England*, *Ireland*, *Wales*, *Guernsey*, and *Jersey Islands*, and *Berwick*, may bring (in English Ships Navigated as aforesaid) from any Ports of *Spain*, or *Portugal*, or the *Western Islands called Azores* or *Madera* or *Canary Islands*, all sorts of Commodities of their Growth, Manufacture or Plantations.

XIII. Proviso not to extend to Bullion or Goods taken by Reprizal by any Ship of *England*, *Ireland*, *Wales*, *Guernsey* or *Jersey Islands*, or *Berwick*, Navigated as aforesaid, and having Commission from the King.

XIV.

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XIV. Proviso not to extend to lay Aliens Duties upon Corn of the Growth of *Scotland*, or to any Salt made in *Scotland*, nor to any Fish Caught, Saved and Cured by the people of *Scotland*, and Imported directly from thence in Scotch Built Ships, whereof the Master and  $\frac{3}{4}$  Fourths of the Mariners are of the King's Subjects, nor to any Seal of *Russia* Imported from thence into *England*, *Ireland*, *Wales* or *Berwick*, in Shipping *Bona fide*, belonging to the said Places, and whereof the Master and  $\frac{3}{4}$  Fourths of the Mariners at least are English.

XV. Proviso, Imposing Duties upon certain French Ships, to continue so long, as a certain Duty of 50 *Sols per Tun*, upon English Ships, by the French, shall be payable, and 3 Months after and no longer.

XVI. Sugars, Tobacco, Cotton, Wooll, Indico, Ginger, Fustick, or other Dying Wood, of the Growth, Production or Manufacture of any English Plantations in *America*, *Asia* or *Africa*, shall not be Shipt or Conveyed, from any the said English Plantations, to any other Land, Island, &c. other than to such other English Plantations as belong to the King, or to *England*, *Ireland*, *Wales* or *Berwick*, and there laid on Shore, upon pain of Forfeiture of the said Goods or the full value thereof, and of the Ship, with all her Guns, &c. one Moyety to the King, and the other to the Seiser or Informer, to be Recovered as before shewed.

XVII. Ships of *England*, *Ireland*, *Wales* or *Berwick*, Sailing to any English Plantation in *America*, *Asia* or *Africa*. shall give sufficient Bond with one Surety, to the Chief Officers of the Custom-House of such Port or Place from whence the said Ship shall set Sail, to the value of 1000 pounds, if she be of less Burthen than 100 Tuns; and of the Sum of 2000 if of greater Burthen; to bring the Goods Loaded, at any of the said English Plantations, to some Port of *England*, *Ireland*, *Wales* or *Berwick*, and shall there unload and put on Shore the same, the danger of the Sea only excepted: And for all other Ships coming from any other Place, to any of the said Plantations, who are permitted to Trade there, the Governors thereof shall, before the said Ships be permitted to Load on Board any of the said Commodities, take Bond in manner, and to the value aforesaid, that such Ships shall Carry such Goods so Loaden or on Board, to some other of the King's Plantations or to *England*, *Ireland*, *Wales* or Town of *Berwick upon Tweed*; and every Ship or Vessel which shall Load or take on Board, any of the aforesaid Goods, until such Bond given to the said Governour, or Certificate produced from the Officers of any Custom-House of *England*, *Ireland*, &c. that such Bonds have been there Duly given, shall be Forfeited, with all her Guns, &c. to be Employed and

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and Recovered in manner as aforesaid : And the said Governors and every of them, shall Twice in every year Return true Copies of all such Bonds, by him so taken to the Chief Officers of the Custom in *London*.

XVIII. Stat. 19. Car. 2. Cap. 11. Engl. Foreign Built Ships, really and *Bona fide*, belonging to the King's Subjects of *England*, *Ireland*, *Wales* or Town of *Berwick upon Tweed*, taken, during the then late Wars, and Condemned by the Admiralties of *England* or *Ireland*, or of the King's Plantations abroad, as Prizes, Declared that they shall enjoy the Benefit of Free Ships, and shall Import and Export Goods.

19. Car. 2.  
Cap. 11.  
Engl.

XIX. Owners to take an Oath before the Officers of the Customs of the Port next their Abode, that no Foreigner hath Interest therein ; and the Officers of the Custom before whom Oath is made, to give (if required) Certificates under their Hands and Seals, of all such Foreign Built Ships, and to keep a Register thereof, and within two Months after such Oath so made, to Return a Duplicate thereof to the Chief Officers of the Customs at *London*, for all such Ships belonging to any Port within *England*, *Wales* or Town of *Berwick upon Tweed*, and to the Chief Officers at the Port of *Dublin*, for all such Ships belonging to *Ireland*, and to the Chief Officers in the chief Ports of any of the King's Plantations, for such Ships belonging to them : And these Officers and those at the Port at *Dublin*, within Two Months after such Oath made, to Return Certificates thereof unto the Chief Officers of the Customs of *London*, with the Names of the Owners of such Ships, to be Entred into the Court of Exchequer in *England*, there to remain of Record.

XX. A Proviso making Free two Flemish Built Ships belonging to the Port of *Boston*.

XXI. Stat. 7 & 8. Gul. 3 Cap. 22. Engl. After the First day of December, 1696. It shall not be lawful on any pretence whatsoever, to put on Shore in *Scotland* or *Ireland*, any Merchandise of the Growth or Product of any of the King's Plantations in *Asia*, *Africa*, or *America*, unless they have been first Landed in *England*, *Wales*, or *Berwick*, and paid the Rates and Duties wherewith they are Chargeable, under Penalty of Forfeiture of Ship and Goods, three Fourths to the King, and the other to him that shall Sue for the same. But if any Ship Laden as aforesaid, shall by Stress of Weather be Stranded, or by Leakingness or other disability, be driven into any Port of *Ireland*, and unable to proceed on her Voyage, her Goods and Merchandise may be put on Shore, but shall be delivered into the Chief Officers of the Customs there, till the said Goods shall be put on Board some other Ship or Vessel, to be Transported to some Port in *England*, *Wales* or Town of *Berwick upon Tweed*.

7 & 8 Gul. 3.  
Cap. 22.  
Engl.

**XXII.** Persons Claiming any Right or Property in any Islands or Tracks of Land, on the Continent of *America*, by Charter or Letters Patents, shall not at any time Alien the same, to any other than to the Natural Born Subjects of *England*, *Ireland*, *Wales* or *Berwick*, without the License and Consent of His Majesty in Council, first had and obtained: And all Governors appointed by any such Proprietors, shall be Allowed and Approved of by the King, and shall take the Oaths Injoyned to be taken by the Governors or Commanders in Chief, in other the King's Colonies and Plantations, under the like Penalties.

**XXIII.** After the 25<sup>th</sup> day of *March*, 1698. no Ship shall be deemed to pass as a Ship of the Built of *England*, *Ireland*, *Wales*, *Berwick*, *Guernsey*, *Jersey*, or any of the King's Plantations in *America*, so as to be qualified to Trade to any of the said Plantations, until the Proprietor of such Ship shall Register the same, and one or more of the Owners of such Ship make Oath, where the Ship was Built, who are the present Owners thereof, and that no Foreigner, directly or Indirectly, hath any Share, or Interest therein, &c. which Oath is to be Administred by the Collector or Comptroller of the Customs of such Port to which the Ship belongs, if in *England*, *Ireland*, *Wales*, or *Berwick*; but if in any *American* Plantation, *Guernsey* or *Jersey*, then by the Governor, with the principal Officer of the King's Revenue there.

**XXIV.** Which Oath being Attested by the Governor, or Custom Officer respectively, who Administred the same, and Registered by them, shall be Delivered to the Master of the Ship, for the Security of her Navigation, and a Duplicate Transmited to the Commissioners of the King's Customs at *London*, and there Entred in a general Register. The Vessel that Trades to and from the Plantations to *America*, after the aforesaid time, without such Proof made, as here directed, shall be liable to such Prosecution and Forfeiture, as Foreign Ships would be for Trading to the said Plantations.

**XXV.** All Ships taken at Sea, by Letters of *Mart*, and Condemned in the Admiralty as lawful Prize, shall be specially Registered, with proof also upon Oath, that the intire property is English, before any such Prize shall be allowed the Privilege of an English Built Ship.

**XXVI.** Nothing in this Act shall extend to Registering of any Fisher Boats, Hoyes, or any open Boats, but only of such as Cross the Seas, to or from Plantations.

**XXVII.** No Ships Name Registered, shall be Changed without Registering such Ship, *de Novo*, under the same Penalties as before directed; and upon Sale of any Share, such Sale shall be acknowledged by Endorsement on the Certificate of the Register.

**XXVIII.** Stat. 7 & 8. Gul. 3. Cap. 39. Engl. After the 7, & 8. Gul.  
First day of May, 1696. It shall be lawful for any Natives of 3. Cap. 39.  
*England or Ireland*, to Import into *England*, directly from *Ireland*, Engl.

any Hemp, Flax, Thread, Yarn and Linnen of the Growth  
and Manufacture of *Ireland*, Custom Free, the Master or  
Chief Officer of the Vessel so Importing, bringing a Certifi-  
cate from the Chief Officer of the Port in *Ireland*, Express-  
ing the particulars of the Goods, with the Names and  
Abodes of the Exporters, and the Names and Abodes of such  
persons as have Sworn the said Goods to be *Bona fide* of the  
Growth and Manufacture of that Kingdom, and to whom  
they are Consigned in *England*. And also the said Master or  
Chief Officer of the said Vessel, making Oath at his Arrival  
in *England*, that the said Goods are the same that he took on  
Board, by virtue of the said Certificate.

**XXIX.** All English made Sail Cloath [upon due Proof by  
Oath, of its being made in this Kingdom] shall, after the  
First day of August, 1696. be Exported Custom Free, whe-  
ther the same be Exported in Piece or Boult or in Sails rea-  
dy made.

### Silver.

**I.** Stat. 35. H. 6. Cap. 1. All Men coming out of other  
Lands with their Merchandises, That is to say, Frenchmen,  
Spaniards, Brittons, Portuguese, and other sundry Nations,  
shall pay for every pound of Silver, that they Carry out of  
the Land of *Ireland*, 40 pence Custom to the King's Cus-  
tomer to the King's Use.

### Skins & Hides.

**I.** Stat. 13, & 14. Car. 2. Cap. 7. Engl. None shall Trans-  
port out of *England* into *Scotland*, *Ireland*, or into any of the  
Isles belonging to *England*, or to any Parts beyond the Seas,  
the Skins, or Hides Tanned or Untanned, of any Ox, Steer,  
Bull, Cow or Calf, otherwise, or in any other manner than  
is by the Act directed, &c.

13. & 14.  
Car. 2. cap.  
7. Engl.

**II.** None of the Skins or Hides aforesaid, which shall hap-  
pen to be taken from any of the Beasts aforesaid, within any  
Island whatsoever, belonging to the Kingdom of *England* (ex-  
cept *Ireland*) shall be Transported out of that Island, into a-  
ny other place, but into the Kingdom of *England*, upon pain  
of Forfeiture for every such Offence, double the value of  
the Skins or Hides, so to be Transported out of the said  
Islands or any of them; to any other place than into the  
Kingdom of *England*.

**III.** The same Forfeiture to be Recovered by Action of  
Debt, Bill, &c. to be brought in any Court or Courts of  
*Westminster*, or in any Court or Courts of Record, of the Ci-

## Skins and Hides. Soldiers.

ty, Town, County or Place, where the said Offence shall be Committed, wherein no Wager of Law, &c. shall be admitted, neither shall the same be Removed out of the same County, City or Town Corporate; One half to the use of the King, and the other half to the use of the Informer that shall Sue for the same.

### Soldiers.

I. Stat. 10. H. 7. Cap. 19. The Subjects of this Land shall Receive and Lodge in their Houses, Soldiers of the Army, in time of Hostility, who are to take such reasonable Meat and Drink, as the Master of the House shall then have, and the said Master to take no more of any of them, than one penny half penny for one Meal, and one penny for his Servant: And every Horse belonging to the Army, not to pay above one penny for 6 Field Sheaves with a double Band and Litter according.

II. If any do Refuse to Receive or Lodge any of the said Army as aforesaid (Lords and Gentlemen of 20 Marks Land and more, and Cities and Burroughs only excepted) they shall Forfeit, as often as they Offend, 12 pence to the King, to be levyed and paid as other Forfeitures are.

10. Gul. 3. Stat. 10. Gul. 3. Cap. 1. Engl. Immediately after Cap. 1. En. the 26th day of March, 1699. all the Army, Regiments, Troops, Companies, Officers and Soldiers, within the Kingdom of Ireland, not being the King's Natural Born Subjects, are Enacted and Declared to be actually Disbanded.

IV. And all other the Army, Regiments, &c. within the said Kingdom, shall on or before the First day of May, 1699. be Disbanded, except such Regiments, &c. Consisting only of the King's Natural Born Subjects, not exceeding 12000 persons, (Commission and Non Commission Officers included) as before the 10th day of April, 1699. shall be particularly Expresed in and by the King's Proclamation under the Great Seal of Ireland; in which Proclamation the particular Number only of each Regiment, Troop and Company, shall be expressed.

V. And immediately after the First day of May, 1699. the said Army, &c. in Ireland (except as before excepted) are Declared actually Disbanded.

VI. Enacted that all such Forces within the Kingdom of Ireland, not hereby directed to be Disbanded, which shall be maintained within that Kingdom, shall be maintained at the sole Charge of the said Kingdom of Ireland.

VII. And all Commission Officers, who shall Exercise any Power or Authority over the Soldiers in their respective Regiments, &c. after such Officers shall be Disbanded, and every

every person that shall wittingly and willingly Advise, Frame, Contrive, Countersign or put in Execution, any Proclamation, Commission, Act, Order or Command whatsoever, for continuing together any of the said Regiments, &c. after they shall be Disbanded as aforesaid, he or they so Offending, shall Incur the Penalties of a *Premunire*; and being thereof lawfully Convicted, shall from thenceforth, be Disabled during his Life, to Sue or Implead any person in any Action Real or Personal in his own Right, or to make any Gift, Grant, Conveyance or other Disposition of any his Lands, Tenements, Goods or Chattels, which he hath to his own use, either by Act Executed in his Life-time, or by his Last Will or otherwise, or to take any Gift, Conveyance or Legacy to his own use: And none of the said Soldiers or Non-Commissioned Officers Disbanded, as aforesaid, shall after the space of 2 days after such Disbanding, continue together above 10 in a Company.

VIII. A Proviso that no Alien who hath been, or at any time shall be Naturalized within the Kingdom of *Ireland*, by vertue of any Act of Parliament made or to be made within that Kingdom, or by reason of any Act or Thing done or to be done in pursuance thereof, shall be Adjudged or Reputed to be the King's Natural Born Subject, within the meaning of this Act; nor shall any such person so Naturalized be Capable of being Continued within any Regiment, Troop or Company, which shall be Excepted by either of the King's said Declarations.

## Sollicitors.

I. Stat. 10. Gul. 3. Sess. 2. Cap. 13. From the First day of March, 1698. none shall practice, as Sollicitor in any Court of Law or Equity, or as Agent or Manager in any Cause or Sute in Law or Equity, or as Seneschal or Sollicitor, in all or any the Courts or Offices in this Kingdom, not having first taken the Oaths and subscribed the Declaration therein mentioned, the Form of which see before, Tit. *Oaths*. §. 4. &c. 7.

II. And any person who shall Practice as aforesaid, before he shall have taken the said Oaths, and subscribed the Declaration, contrary to the meaning of this Act, shall for every such Offence, Forfeit 100 pounds, to be Recovered by such person or persons as will Sue for the same, in any of the King's Courts of Record, by Writ Bill, &c. in which no Essoin, &c. shall be allowed: And every person lawfully Convicted of such Offence, by such Sute, shall from thenceforth be Incapable to be Executor or Administrator, or to take any Benefit by any Legacy, Gift, or Grant of any Land, &c. Goods or Chattels whatsoever.

III. None

## Sollicitors. Spiritual Persons.

III. None after the day aforesaid, shall act as Sollicitor &c. but such persons only, who shall first take the said Oaths and subscribe the said Declaration, and shall also Educate all his Children in the Protestant Religion.

IV. Proviso, not to extend to Prohibit any persons Plaintiffs or Defendants, in their own Sutes only, or to any Menial Servant, acting as such for his Master, in his Sute or Sutes only, in any of the King's Courts of this Kingdom, and for no other person whatsoever.

V. Provided always, that nothing in this Act contained, shall be taken to extend to hinder any persons that were known, as Professed Sollicitor, Manager or Agent in any Cause or Causes, in any of the Courts of this Kingdom, in the Reign of the late King *Charles the Second*, and that have been or shall be Adjudged to be Comprehended within the Articles of *Limerick*, made upon the Surrender thereof to His Majesty's Obedience.

### Spiritual Persons.

*Ve. Noyes  
Rep. f. 94.  
Pal. Rep.  
f. 345.  
458. usq;  
fo. 480.*

I. Stat. 17, & 18. Car. 2. Sess. 5. Cap. 10. All persons having any Bishoprick, Benefice or other Ecclesiastical Dignity or Promotion, in the Kingdom of *England* or Dominion of *Wales*, shall after the 24<sup>th</sup> day of *June*, 1666. during the time of his Holding and Injoying the same, be wholly Incapable of Holding or Injoying any in this Kingdom of *Ireland*; and from the said time, all Grants and Pretensions of any Bishopricks or other Ecclesiastical Dignities, &c. in this Kingdom to any person or persons, at the time of such Grant or Presentation, Having or Injoying any Bishoprick, &c. in *England*, shall be null and void, as if such Bishop, Incumbent, &c. had Dyed or Resigned, and that from thenceforth, it shall be lawful for the King and all other Patrons and Donors of the same Promotions or any of them, in this Kingdom of *Ireland*, according to their Respective Rights, to Grant, Present or Collate to the same accordingly.

II. Also if any Having or Enjoying any Ecclesiastical Promotion in this Kingdom, shall after the said time, Accept of, Hold or Enjoy another in *England* or *Wales*, then immediately from and after such Acceptance, &c. thereof, all former Grants, &c. of any Bishoprick, &c. in this Kingdom of *Ireland*, to any such person or persons, shall be void as aforesaid, and the King and all other Patrons and Donors, may Grant, &c. as aforeshewed.

III. A Proviso, that *Griffith Lord Bishop of Offory* should Hold and Retain the said Bishoprick, together with the Deanry of *Bangor* in *Wales*, until the Augmentation mentioned in the Act of Settlement, should be settled on him and his Successors.

IV. Stat.

IV. Stat. 10. Gul. 3. Sess. 3. Cap. 6. Every Arch-Bishop, Bishop or other Ecclesiastical person whatsoever, that heretofore did, since the year 1690. or shall hereafter, Make, Build, Erect, Add to, or Repair any House, Out-house, Garden, Orchard, or any other necessary Improvement, on his Demesne, Glebe or Mensal Land, or in any other Lands, in his Possession, belonging to his See or Church (that shall be Certified in the manner hereafter mentioned in like Cases) to be fit and convenient for the Residence and Habitation of him and his Successors, which from thenceforth shall be deemed and taken to be part of the Demesne, &c. shall have from his next immediate Successor, his Executors or Administrators respectively, 2 Thirds of the Sum or Sums really expended and laid out in such Buildings, Additions, Repairs and Improvements (necessary Annual Reparations only excepted) which Sum or Sums shall be finally Settled and Ascertained, by Certificate under the Hand and Seal of the Chief Governor or Governors for the time being, in the Case of an Arch-Bishop, and of the Arch-Bishop of the Province, in the case of a Bishop; and by like Certificate of the Bishop of the Respective Diocese in other Cases; and such Successor as aforesaid, having paid the 2 Thirds of the Sum or Sums Certified as aforesaid, shall and may receive one Moyety thereof, that is one Third of his first Disbursement, from his next Successor; which said Sums shall be paid in all Cases of Removal or Translation, by 4 equal Half yearly Payments, to be Accounted from such Removal or Translation, and in case of Death, by the 2 half yearly equal Payments, to be Accounted from the day of such Death and shall and may be Recovered by the Party who ought to Receive the same, his Executors or Administrators, either by Distress on any of the Lands or Tenements of such Arch-Bishoprick, Bishoprick, Living or Benefice, belonging to the Successor hereby obliged to pay the same, or by Sequestration of one Moyety of the Rents and Profits of such See or Benefice, which Sequestration is to be Made and Granted, by the Chief Governor or Governors of this Kingdom, in case of an Arch-Bishop; and by the Arch-Bishop of the Province, in case of a Bishop; and by the Bishop of the Diocese in all other Cases: Who are respectively required to Make and Grant the same; or by Action of Debt in any of the King's Courts of Record in this Kingdom, at the Election of the Party, who Sues for the same.

V. It's made lawful for any Arch-Bishop, by and with the Approbation of the Chief Governor or Governors of this Kingdom, and for any Bishop, by and with the Approbation of the Arch-Bishop of his Province; and for any other Ecclesiastical person, by and with the Consent of the Bishop

## Spiritual Persons.

Bishop of his Diocese, Certified in Writing under their respective Hands and Seals, to Purchase to them and their Successors respectively, within their respective Dioceses, Houses already Built, with conveniences thereunto belonging, or Lands and Tenements fit for such Buildings and Conveniences, for the Habitation and Residence of them and their Successors for ever, thenceforth to be part of their Demesnes, Glebe or Mensal Land respectively, Unalienable, and not to be Lett or Disposed of, to any other use whatsoever : And that the purchase Money for the same, and the Charges and Expences of Buildings, Additions and Repairs, as aforesaid, being Ascertained and Certified, as aforesaid shall be Re-paid as to 2 Thirds thereof, by the next immediate Successor, who shall have and receive from his next Successor, one Moyety or Half of what he pays in like manner, and with like Remedy, as aforesaid.

VI. Made lawful for *Thomas Lord Bishop of Limerick*, to Convey his dwelling House, in *Limerick*, with the Appurtenances, to the use of him and his Successors Bishops of *Limerick*, and he to be paid for his Disbursements in Purchasing, Building, Improving and Repairing the same, (being first Certified and Ascertained as aforesaid) as to 2 Thirds thereof, by his next immediate Successor, who likewise shall have one Moyety or Half of his Payment, from his next Successor, in like manner and with like Remedy as aforesaid.

VII. And made lawful for the Lord Bishop of *Elphin*, for the time being, to remove the Timber and other Materials from *Elphin*, to any other parts of the Lands belonging to that See within his Diocese, and in his Possession, where be or they, (with the Approbation of the Arch-Bishop of the Province, Certified in Writing under his Hand and Seal, shall think fit) to Build a Manse-house for the Bishop of that See, pursuant to the Act : And that part of the Lands of *Magheralin*, *Killoglan*, *Ballymagin* and *Garrick Mac Gingan*, lying and being in the County of *Down* and Diocese of *Dromore*, containing about 55 Irish Acres, belonging to the said See, and now in Possession of *Tobias Lord Bishop* thereof, and by him Purchased from the former Lessees, and the House Built thereon by him, with the Out-houses and Appurtenances, be ever hereafter Added to the Demesnes of the said Bishoprick of *Dromore*, and be for ever Deemed, Reputed and Taken, to be the Manse-house and part of the Mensal Lands of that See : And that the said *Tobias Lord Bishop* of *Dromore*, his Executors and Administrators, shall be Re-paid 2 Third parts of the Charge of Purchasing the said Leases, and Making and Erecting the Buildings, Plantations and Improvements thereon (the same being first Ascertained

tained by Certificate of the Arch-Bishop of the Province, under his Hand and Seal, as aforesaid) by his next and immediate Successor, who shall likewise receive one Moyety thereof from his next Successor, in like manner and with the like Remedy as aforesaid.

VIII. If any Arch-Bishop, Bishop, or other Ecclesiastical person whatsoever, shall suffer or permit his or their Mansion house, or any or either of them, or any of the Buildings, Out-houses, Gardens or Orchards, or other Improvements that now are, or hereafter shall be Built, Made or Erected on their respective Demesnes, Glebes or Mensal Lands, to Decay, go to Ruin, or be out of Repair, that then his immediate Successor or Successors, shall and may Commence his or their Sute in the Ecclesiastical Court, against such Arch-Bishop, &c. his or their Executors or Administrators, and have the full Benefit of the Ecclesiastical Laws now in Force in this Kingdom in that behalf; or at his or their Election may Recover by Action of Debt, against such Arch-Bishop, &c. his or their Executors or Administrators, in any of the King's Courts of Record at *Dublin*, such Sum or Sums as shall be sufficient to put such Houses and Improvements, in as good Repair as they were in, at any time during the Incumbency of his or their Predecessor, so suffering or permitting the same to go to Ruin and Decay; which Sum or Sums of Money so Recovered, Levyed and Paid, to such Successor or Successors shall forthwith be laid out, and Expended in the Amendment and Reparation of the respective Houses and Improvements, for the which the same shall be Recovered as aforesaid; and in default thereof, by the space of 6 months, after Recovery and Payment as aforesaid, the Arch-Bishoprick, Bishoprick or other Ecclesiastical Living or Benefice of such Ecclesiastical person, shall be Sequestred in such manner and by such persons as is before herein expressed, until such Ecclesiastical person shall expend and lay out all such Sums so Recovered and Paid, as aforesaid, in the Reparation and Amendment of their respective Houses and Improvements as aforesaid. And if the person so Recovering as aforesaid, shall happen to Dye before the Sum Recovered by him, be laid out in Reparation and Amendment as aforesaid that then his next and immediate Successor or Successors, shall and may Recover from the Executors and Administrators of the person so Dying, double the Sum so Recovered and Paid as aforesaid, by Action of Debt, in any of the King's Courts of Record at *Dublin*, 13. El. cap. unless such Executors or Administrators, shall and do voluntarily and without Sute, pay the same to such Successor or Successors, who is to expend and lay out the same in manner Rep. f. 84*i* aforesaid, and under the like Penalties and Forfeitures afore- 2. Roll. f. 9.  
said 169. t.

## Spiritual Persons.

*Roll. fo.* said, and if any Arch-Bishop, Bishop, or other Ecclesiastical person, that already hath, or hereafter shall suffer Dilapidations or Decay in his Manse-House, or Improvements *163. 264. & 361. &c.* (contrary to the Act) shall hereafter make any Deed, Devise, Conveyance, Grant, Lease, Bequest Colourable Sale or Gift, *1. part. fo.* (without full Consideration) of his personal Estate or any *307. 330. Built. Rep.* part thereof, with Intent to Defraud his Successor of the *3. part. fo.* remedy intended him ; all such Deeds, Devises, &c. shall be void and of none Effect against such Successor or Successors.

IX. From the First day of January, 1698. it shall not be lawful for any Rector, Vicar, Curate, or other Ecclesiastical person whatsoever, having a Glebe fit and convenient to be Built and Improved upon, for the Habitation and Residence of him and his Successors, or whereon a Manse-house is already Built, or shall hereafter be Built, or which shall lye so near or contiguous to such House so Built, or to be Built, as to be conveniently made use of with the same, to Alien, Sett, Lett, or Demise such Glebe or any part thereof, to any person or persons whatsoever, for any longer Term or Time, than one year from the making thereof, in Possession and not in Reversion ; but that all Alienations, Leafes, &c. of such Glebes or any part thereof, for more than one year, as aforesaid, shall be void.

X. Certificates required to be made in the several Cases before mentioned, shall be Entred in the publick Registry of such Diocess to which the same Relate, before any Benefit or Advantage be made thereof, and the Exemplification of such Certificates so Registered, under the Hand and Seal of the Arch Bishop or Bishop of the said Diocess, shall be as effectual in the Law to all intents, to be produced at any Tryal at Law or otherwise, as the Original would have been in case the said Original shall at any time, happen to be lost or mislaid, or so detaine, that the Party concerned cannot have the same to produce and make use of, as aforesaid.

XI. Enacted that the Ancient Parish Church of Kiltobork, in the Barony of Leitrim, in the County of Leitrim, shall be Built in the Town of Carrick-Drumruse, at the Charges of the said Town, in some convenient Place in the said Town, to be sett apart for that purpose, by Sir George St. George of Hertford Baronet, and that the said Church so to be Built and no other, shall from the time of its being so Built, be and be Deemed to be, the Parish Church of the said Parish of Kiltobork to all intents and purposes, and the Land to be sett apart for the said Church and Church-yard thereof, shall belong and appertain for ever to the said Church, Freed and Discharged of, and from all Claims, Demands and Estates of

# Statutes. Summons.

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of the said Sir George St. George, and of any person or persons whatsoever, Claiming or Deriving from, by, or under him the said Sir. George St. George, or under Sir Oliver St. George, late of Hertford, Baronet deceased.

## Statutes.

I. Stat. 10. Car. 1. Sess. 2. Cap. 3. The whole Tenor and Contents of all Statutes Merchants and of the Staple, shall within six Months after the Acknowledgment, be Entred in the Office of the Clerk of the Recognizances in Chancery in this Kingdom; and the Clerk there (upon shewing the same to him) shall make Entry thereof, for which he shall have eight pence Sterl. and no more: And every such Statute, which is not within 4 Months after the Acknowledgment thereof, delivered to be Entred accordingly, shall be void, against the Purchasers, only for the money, or good Consideration of Lands, Tenements or Hereditaments, lyable to the said Statutes, and against their Heirs, Successors, Executors, Administrators and Assigns.

27. El. cap.  
4. Engl.

II. The said Clerk or his Deputy, shall within the said six Months, make Entry of every Statute, to him or them Delivered as aforesaid, and shall Endorse thereon the day and the year of such his Entry, with his or their own Name, in pain to Forfeit, for every Statute so brought [and not Entred and Endorsed as aforesaid] the sum of 20 pounds, one Moyety to the King, and the other to the Prosecutor, to be Recovered in any of the King's Courts of Record, by Action of Debt, Bill, &c. and no Essoin, &c. to be Admitted for the Defendant.

III. The Clerk of the said Recognizance, for Search of any Statute so Entred as aforesaid, shall not take above two pence for one years Search, and so after that Rate for every year, in pain to Forfeit to the Party grieved, 20 times so much as he takes above, to be Recovered as aforesaid.

IV. Provided that this Act shall not extend to make good any Purchase, made void by reason of any former Conveyance, so as the Party or Parties, or their Heirs or Assigns so making void the same, were in actual Possession the First day of this Parliament, in the said Lands, Tenements or Hereditaments, out of which any such Purchase, Grant, Lease, Charge or Profit was made.

## Summons.

I. Stat. 10. Car. 1. Sess. 3. Cap. 12. After every Summons upon the Land in any real Action, 14 days at the least (before the day of the Return thereof) Proclamation of the said Summons, shall be made on a Sunday at, or near, the most usual Doer of the Church or Chappel of that Town or Parish, where the Lands whereupon the Summons was made, do lye: and in case there be no Church or Chapple, then in the Church-Yard of the same Parish.

31. El. cap.  
3. En. Ve.  
Hob. Rep.  
f. 133. 2.  
Jones Rep  
7. pl. 6.

II. Pro-

## Supercedeas.

II. Proclamation so made as aforesaid, shall be Returned, together with the Names of the Summoners: And if such Summons shall not be Proclaimed and Returned, according to the Tenor and Meaning of this Act, then no *Grand Cope*, shall be Awarded, but an *Alias & Plures* Summons, as the Case shall require, until Summons and Proclamation shall be made and returned as aforesaid.

### Supercedeas.

**21. Jac. I.** I. Stat. 10 & 11. Car. 1. Sess. 4. Cap. 10. All Process of the cap. 8. En. Peace, and good Behaviour, Granted or Awarded out of the Ve. Moo. Chancery or King's Bench, shall be void, unless such Process Rep. f. 43. be so Granted and Awarded, upon Motion first made before pl. 131. the Judge or Judges of the same Courts respectively Sitting in open Court, and good Cause shewed in Writing upon Oath, by the Parties requiring the same, and the same to be Endorsed on the Back of the Writ, and the Writings to be Entred there, and remain of Record; and if afterwards it appear to the said Courts or either of them, that the Causes shewed in Writing are false, then the Judge or Judges of the said Courts or either of them, shall Award such Costs and Ve. March. Damages to the Parties grieved, as they shall think fit, and Rep. pa. 27. shall Commit the Offenders to Prison till payment thereof. pl. 6.

II. All Writs of *Supercedeas* to Remove Indictments of Riots, Forceable Entries, or of Assault and Battery, or other Trespasses, shall be void also, unless such Writs be likewise Granted upon Motion in open Court, first made as aforesaid and upon such sufficient Sureties, as shall Appear to the Court, upon Oath, to be Subsidy Men Assessed at 5 pounds Lands, or 10 pounds in Goods at the least, which Oaths and Names of the Sureties, with the Places of their Abodes, where they Stand Assessed, shall be Entred and remain of Record in the said Courts, and unless it shall also Appear, that the Prosecution against the Party desiring such *supercedeas* for the Peace of good Behaviour, be *Bona fide* by some Party grieved in that Court, out of which such *Supercedeas* is desired to be so Awarded and directed; and here false and insufficient Sureties and Bailers, and the Procurers thereof, for obtaining of such Writs of *Supercedeas* shall be punished by the Judge or Judges of the Courts aforesaid, according to their Discretions, so as such punishment extend not to the loss of Life or Member.

III. *Certioraries* shall be Delivered at the General Assizes or at some Quarter-Sessions of the Peace, respectively in open Court; and the Parties Indicted before the Allowance thereof, shall become bound unto the Prosecutors of such Bills of Indictment against them, in the sum of 10 pounds, with such Sureties as the Justices of Assize or of the Peace shall

think fit, with Condition to pay unto the said Prosecutors, within one Month after Conviction, such reasonable Costs and Damages, as the Justices where such Bills of Indictment shall be Found, shall Assess or Allow; and in Default thereof, to proceed to Tryal upon such Indictments, any such Writs of *Certiorari*, to Remove the same Indictments notwithstanding.

## Supream Head.

I. Stat. 28. H. 8. Cap. 5. The King, His Heirs and Successors shall be Accepted, &c. the only Supream Head in Earth, of the whole Church of *Ireland*, called *Hibernica Ecclesia*, and shall enjoy Annexed to his Imperial Crown of *England*, as well the Title and Stile thereof, as all Honours Dignities, Preeminencies, Jurisdictions, Privileges, Authorities, Immunities, Profits and Commodities to the said Dignity of Supream Head of the same Church belonging and appertaining, and shall have full Power and Authority, from time to time, to Visit, Redress, Regrefs, Reform, Order, Correct, Restrain and Amend all such Errors, Heresies, Abuses, Offences, Contempts and Enormities whatsoever they be, which by any manner of spiritual Authority or Jurisdiction, ought or may be lawfully Reformed, Repressed, &c.

II. Visitors appointed by the King, by vertue of this Act, shall go with such Company, as shall be convenient and according to the Ability, Substance and Power of the person, House or Monastery, which they shall Visit, and shall take no Proces Money or Exactions where they Visit, but only convenient Meat, Drink and Lodging, for themselves, their Company, Servants and Horses, in pain to Forfeit four times the value that they receive or cause to be received, one half to the King, and the other to the person or persons that will Sue for the same, by Action of Debt, Information or otherwise, wherein no Effoin, &c. shall lye.

## Swearing.

I. Stat. 10 & 11. Car. 1. Sess. 4. Cap. 1. If any shall profanely Swear or Curse, either in the hearing of any Justices of the Peace of the County, or of any Mayor, Justices of Peace, Bailiff, or any other Head Officer of any City, or Town Corporate, where such Offence shall be Committed, or shall thereof be Convicted, by the Oaths of two Witnesses, or by the Confession of the Party, before any Justice of the Peace of the County, or Head Officer, or Justice as aforesaid, where such Offence shall be Committed then every such Offender shall for every time so Offending, forfeit and pay, to the use of the Poor of the Parish where the same Offence shall be Committed, the Sum of

21. Feb. 1.  
Cap. 26.  
Engl.

of 12 pence, to be Levyed by the Constables and Church-Wardens or any one of them, by Warrant from such Justice of the Peace or Head Officer, by Distress and Sale of the Offenders Goods, rendring to the Party the overplus; and in default of such Distress, the Offender, if he or she be above the Age of 12 years, shall upon Warrant as aforesaid, be set in the Stocks by three whole hours; But if the Offender be under the Age of 12 years, and shall not forthwith pay the said Sum of 12 pence, then he or she, upon Warrant as aforesaid, shall be Whipped by the Constable or by the Parents or Master, in his presence.

II. If the Offender Commence any Sute in Law, against any Officer or other for putting this Act in Execution, they may Plead the General Issue, and give the special Matter in Evidence: And if found against the Plaintiff, or he be Non-Suite, the Defendants shall be allowed good Costs.

III. Every Offence against this Law, shall be Complained of and Proved as aforesaid, within 20 days after the Offence Committed.

IV. This Act shall be Read in every Parish Church, by the Minister thereof, upon the Sunday after the Evening Prayer, Twice in the year.

*6. & 7. Gul. 3. Cap. 11. Engl.* V. Stat. 7. Gul. 3. Sess. 1. Cap. 9. If any shall profanely Swear and Curse, in the presence or hearing of any Justice of the Peace of the County, or of the Mayor, &c. where such Offence shall be Committed, or shall be thereof Convicted by the Oath of one Witness, or the Parties Confession, before any Justice of the Peace of the County, or Mayor, &c. where the Offence shall be Committed, the Offender for every such Offence, shall forfeit and pay to the the use of the Poor of the Parish where the Offence is Committed; if a Servant, Day-Labourer, Common-Soldier, or Common-Seaman, one shilling, and every other person, two shillings; and after Conviction for the Second Offence, to pay double and for a third time treble to the First Offence.

VI. And any Justice of the Peace of the County, Mayor, &c. where the said Offence shall be Committed, may (and are required) to send his Warrant to the Constable Tything-man, Church Warden or Overseer of the Poor of the Parish where the Offence is Committed, or the Offender shall Inhabit, to Levy by Distress and Sale of the Offenders Goods, the Sum so Forfeited for the use aforesaid; and in default of Distress, the Offender, if above 16 Years of Age, by Warrant under the Hand and Seal of the said Justice or other Officer as aforesaid, shall be publickly set in the Stocks, for the space of 1 hour for every single Offence, and for any Number of Offences, whereof he shall be Convicted at one and the same Time, then 2 hours: And if the Offender be under the Age of 16 Years, and shall not forth-

forthwith pay the said Forfeitures, then by Warrant as aforesaid, to be Whipt by the Constable, or by the Parent Guardian or Master of such Offender, in the presence of the Constable.

VII. If any Justice of the Peace, or Chief Magistrate, shall wilfully or willingly, Omit the performance of his Duty herein, he shall Forfeit 5 pounds one Moyety to the use of the Informer, to be Recovered in any of the King's Courts. wherein no Effoin, &c. shall be allowed.

VIII. If any person whatsoever be Sued for doing or causing to be done, any thing in pursuance of this Act, concerning the Offences aforesaid, he may plead the General Issue, and give the special matter in Evidence; and if a Verdict be given for the Defendant, or the Plaintiff become Non-Suite, or Discontinue his Action, the Defendant shall have Treble Costs.

IX. None to be troubled for any Offence against this Statute, unless the same be Proved or Prosecuted within 10 days next after the Offence Committed.

X. This Act shall be publickly Read 4 times in the year, in all Parish Churches and publick Chappels, by the Parson, Vicar or Curate thereof, immediately after Morning Prayers, on 4 several Sundays, viz. The Sunday next after the First day of November, this present year 1695. and the 5th day of February, following, the 5th day of May 1696. and 5th day of August following, under the pain of 20 shillings for every such Omission or Neglect.

XI. The Justices of Peace, Mayors, &c. are to Register in a Book, to be kept for that purpose, all the Convictions made before them upon this Act, and the Time, and for what Offence, and shall Certifie the same to the next General Sessions of the Peace for the County, or Places, wheres the said Offences are committed, to be there kept upon Record, by the Clerks of the peace, to be seen without Fee or Reward.

### Swine.

I. Stat. 11. El. Sej. 3. Cap. 4. None shall put or drive any Swine, Hog or Pig, from the First Day of March to the Last day of September yearly, upon the Strand of any River within this Realm, to be Fed or pastured there, in any Place within the said Rivers, or any other Place or Strand, where the Sea does usually Ebb and Flow, nor shall suffer them to go or be set to Feed upon any such place, upon pain of Forfeiture thereof, to such person or persons as will Seize them, or any of them, one half to the Queen, Her Heirs and Successors, and the other to the Party Seizing the same.

II. If

# Swine. Taxes. Tenure.

II. If any shall withstand or resist the Seizing upon presentment thereof in any Court of the Queen, or at any Sessions held within the Realm, or at the Court of any City or Burrough, having Jurisdiction to enquire and Receive Presentments; like Process shall be made against such Rescuer, as against Rescuers of Distress for Rent: And such Offender, upon Conviction, shall be Committed to the ordinary Goal of that Court where he is Convicted, till he make such Fine to the Queen, Her Heirs and Successors, as the said Court shall appoint, and pay the Queen and Seizer; the full value of the Swine so Rescued, to be appointed by the Judges before whom the Matter was Adjudged.

III. The Moyety of the Forfeitures, Fines and Penalties growing due by this Act, is saved to all others, in as ample manner as they ought to have other Forfeitures, Fines and Penalties, by the Tenures of their several Charters.

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## Taxes.

I. **T**A T. 10 Gul. 3. Sess. 2. Cap. 3. The King to have and receive of and from all Lands, Tenements and Hereditaments, Tythes and Improvements whatsoever in this Kingdom, the Sum of 120000 pounds Ster. in and by 4 equal Payments of 30000 pounds Ster. each Payment. The First on the 24th day of June 1699. the 2d on the 25th day of December, 1699, the Third on the 24th day of June 1700, and the Fourth Payment on the 25th of December 1700.

II. The 1st 2d and 3d Payments appointed by this Act being now past, and every County and Barony knowing their several Proportions, and after what manner the same is to be collected and paid, I conceiv'd it therefore needless to Abridge this Act.

## Tenure.

I. Stat. 12 El. cap. 4. Such Irishrie or Degenerate men of English Name, Holding their Lands by Irish Customs, and not by Tenure, according to the Queen's Laws, Inhabiting in the Provinces and Countries of Munster, Thomond, Connacht, Leinster, Kenalyaghe, Dealee or Delyee, Mac Tegblas, Farcal, Delry, Clyncolman or Ulster (except the Countries within the same Provinces, united to the Crown by this present Parliament) as shall offer to Surrender, and take their Lands, to hold of the Queen, Her Heirs and Successors; and the Queen having notice thereof, from the Lord Deputy, &c. of this Realm, upon her Allowance thereof and Instructions to the said Lord Deputy, &c. by Her given

given to receive such Surrenders, and make forth Letters Patents: That then after the said Surrenders made, in the Court of Chancery of this Realm, the said Lord-Deputy and Major part of the Privy Council of this Realm, shall make Warrants unto the Lord Chancellor or Lord Keeper of the Great Seal of this Realm, to make forth Letters Patents under the Great Seal to such persons as the Queen shall direct, of their Lands and Tenements, or any part thereof, to have and to hold them for Years, Life in Tail or in Fee-Simple, or with Remainders to other persons for Life in Tail, or Fee-Simple, as shall be limited by the said Instructions or Directions: The Patentees their Heirs and Assigns to hold of the Queen, Her Heirs and Successors, by such Tenure, Rents and Services, as shall be Reserved and expressed in the said Letters Patents, which shall stand good in Law.

II. This Act shall not extend to take away from any Earl, Viscount, Baron, or any other Lord Spiritual or Temporal, or any other persons of this Realm, any Lawful Right or Title whatsoever, which they may have by due Course of Law, to any of the Lands or Hereditaments, which shall be Surrendred and Re-given by force of this Act; but that they may have and enjoy the same, in as ample manner as if this Act had never been made.

### Thieves.

I. Stat. 28. H. 6. Sess. 1. Cap. 3. Every Liege Subject of the King, may kill and take, all notorious and known Thieves, and Thieves found Robbing and Spoiling, or Breaking Houses by Night or Day, and Thieves found with the manner, without Offence to the King, His Justices, Officers, or any other of His Ministers, for any such Manslaughter or Taking.

II. And every one that kills or takes such Thieves, shall have a penny of every Plough, and one Farthing of every Cottage, within the Barony where the Manslaughter is done; and the Town where the Manslaughter was done, and other 4 Towns next the same, formerly Charged with Escapes for such Manslaughters, shall be Quit and Discharged for the same.

III. And the Sheriff of the County, within one Month after the said Manslaughter, shall Levy the Money aforesaid, and deliver it to him that made the Homicide: And if the Sheriff be negligent in Levying the Money, he shall pay it to the Party, that hath cause to have it.

### Tipperary.

I. Stat. 7. Gul. 3. Sess. 1. Cap. 19. In all Tryals to be had in any Cause whatsoever, in the County Palatine of Tipperary, to be held before the Seneschal thereof, upon the Jurors non Appearance, either Party Plaintiff or Defendant, may demand

## Tipperary. Tobacco.

a *Titles de Circumstantibus*, which shall be Granted by the Court, and Returned by the proper Officer in such manner and form, and to such effect and purpofe, as by the Statute made the 10th year of the Reign of the late King *Charles the First*, Intituled, *An Act concerning the Appearance of Jurors on a Nisi prius, is Provided upon Tryals on a Nisi prius.* (which fee here before Tit. *Jurors* s. 6.) And all Tryals so had, shall be taken to be valid and sufficient in Law.

II. *Stat. 7. Gul. 3. Sess. 1. Cap. 20.* All Fines heretofore Levyed in the County Palatine of Tipperary, shall be of the same Force in Law, as Fines with Proclamations, Levyed before the Justices of the Common-Pleas in this Kingdom: And all Fines hereafter, that shall be Levyed or Acknowledged in any Term, before the Judge or Judges there, of any Lands, &c. lying and being within the said County Palatine, which shall be openly Read and Proclaimed in the open Court, in the presence of the Judge or Judges in the Term held for the said Palatinate, being the same Term that the same shall fortune to be Ingrossed, and also that shall be openly Read and Proclaimed in the presence of the Judge or Judges of the said County Palatine, or one of them, at 2 Terms that shall be holden there before the Judge or Judges, &c. or any one of them, next after the Levying and Ingrossing of such Fine, shall be of the same Force as Fines duly levyed with Proclamations, before the Judges of the Common-Pleas at Dublin, be or ought to be.

### Tobacco.

*12. Car. 2. Cap. 34. Engl.* None shall Sett, Plant or Cure any Tobacco, either in Seed, Plant or otherwise, upon any Ground or Place within England, Wales, Isles of Guernsey or Jersey, Town of Berwick upon Tweed, or Ireland, under the Penalty of Forfeiture of all such Tobacco, or the value thereof, or the Sum of 40 shillings, for every Rod or Pole of Ground so Planted, Sett or Sown, and so proportionably for a greater or lesser quantity of Ground, one moyety thereof to the King, and the other moyety to him or them that shall Sue for the same, to be Recovered by Bill, Plaintiff, &c. in any Court of Record, wherein no Essoin, &c. shall be allowed.

II. All Sheriffs, Justices of the Peace, Mayors, Bailiffs, Constables, and every of them, upon Information or Complaint made to them or any of them, of any Tobacco planted, &c. within their Jurisdictions, contrary to this Act, shall within 10 days after such Information or Complaint, cause the same to be burnt, plucked up, consumed, or utterly destroyed.

III. And if any shall Resist, or make forcible Opposition, they shall Forfeit for every such Offence, the Sum of 5 pounds, to be divided and Recovered in manner aforesaid; and in case of non Payment of the Sums to be paid by vertue of this Act, then Distress shall be made, and Sale thereof; and for lack of Distress,

# Tobacco. Tobacco Pipe Clay.

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Distress, the Party to be Committed to the Common Goal, in the County where the Offence shall be Committed, for 2 months without Bail.

IV. Proviso not to extend to the hindring of the Planting of Tobacco in any Phyfick-Garden of either University, or in any other private Garden for Phyfick or Chyrurgery, so as the quantity so Planted, exceed not half of one Pole, in any one Place or Garden.

V. Stat. 15. Car. 2. Cap. 7. Engl. The Penalty in the before mentioned Statute, being thought to be too small, it is Enacted by this Statute, that if any shall Sett or Plant Tobacco, in any of the places before mentioned, that they shall over and above the Penalty of the said Act for that purpose Ordained, for every such Offence, Forfeit and Pay the Sum of 10 pounds for every Rod or Pole of Ground so Planted, &c. and so proportionably for a greater or lesser quantity, one Third part to the King, one other Third part to the use of the Poor of the Parish where such Tobacco shall be so Planted, and the other Third part to him or them that will Sue for the same; to be Recovered by Action of Debt, Bill, &c. in any of the King's Courts of Record at Westminster, wherein no Essoin, &c. shall be allowed.

VI. And if any make Resistance, &c. over and above the Penalties mentioned in the other Act for such Offences, they shall be Committed, as aforesaid, to the Common Goal, there to Remain without Bail, until he, she or they have Entered into a Recognizance to the King, with 2 sufficient Sureties of 10 pounds Penalty, not to do or Commit the like Offence again.

VII. A Proviso for Phyfick Gardens, as in the other Act.

## Tobacco Pipe Clay.

I. Stat. 13, & 14. Car. 2. Cap. 18. Engl. No Tobacco Pipe Clay, shall be Exported, Transported, Carried or Conveyed, out or from the Kingdom of Ireland, or the Dominion of Wales, into the Kingdom of Scotland, or into any Foreign parts, or into any Port or Place, out of the Kingdom or Dominion aforesaid, under the Penalty of 3 shillings for every pound of Tobacco Pipe Clay, which shall be Exported or Transported contrary to this Act.

## Tories.

I. Stat. 7. Gul. 3. Sess. 1. Cap. 21. The Inhabitants of every Barony or County, within this Kingdom, shall make full satisfaction for all Robberies, Burglaries, Burning of Houses or Haggards of Corn, Killing or Mayming of Cattel, which shall be done, by Robbers, Rapparees or Tories, within the same, from and after the Royal Assent given to this Bill, in manner and form following (That is to say) Where all or any of the Facts shall be done by them, as aforesaid, that are

Papists or Reputed of the Popish Religion, the Popish Inhabitants there shall make satisfaction; and if by Protestants or Reputed Protestants, then the Protestant Inhabitants there to make satisfaction; and if by Popish and Protestant Robbers, &c. then the Popish and Protestant Inhabitants there, to make satisfaction, in such proportion, and according to the number, of such Papist and Protestant Offenders, *viz.* If 2 Papists and 1 Protestant, then the Papist Inhabitants to pay 2 parts, and the Protestants the Third part of the Damages, and so *pro Rata*, in a greater or lesser Number. And if all or any of the said Facts be Committed, in the Division or Mearing of 2 Baronies or Counties, so as it shall be uncertain in which of them, the Fact or Facts were Committed, in such Case the Inhabitants of both Baronies or Counties, shall make Satisfaction in such manner and with such Distinction as is hereby declared.

II. In all Cases where the Damages do not exceed 10 pounds *Sterl.* the Inhabitants of the Barony and Franchises within the precincts thereof, where the Facts shall be Committed, and not the County at large, shall make Satisfaction, in such manner and with such Distinction as aforesaid, and where the Damages do exceed 10 pounds, the Inhabitants of the County, shall make Satisfaction as aforesaid: And the Jury that shall Try any Action Commenced or Prosecuted on this Act, shall in their Verdict Ascertain the person and persons that Committed such Robbery, &c. whether they were Papists or Protestants, and the Number of the one and the other, as also the Damages according to the Evidence that shall be on the Tryal offered to them.

III. And all persons so as aforesaid Robbed, or Damnified, may Sue for and Recover their Damages, against any Inhabitant of the said County or Barony, who by this Act shall be made lyable to Answer any part thereof, and that immediately after such Robbery and Execution against the said Inhabitant, all other Inhabitants of the said Barony or County, who are lyable to all or any part of the said Damages, shall be Ratably Taxed towards an equal Contribution, for the Relief of such Inhabitant against whom the said Recovery and Execution is had, which Tax shall be Made, Levyed and Raised, by such ways, and in such manner, as is prescribed in a former Statute Intituled, *An Act for the following of Hue and Cry*; made in the 10 and 11 years of King Charles the First, in this Kingdom, which see in Tit. *Hue and Cry.* S. 3.

*Fe. Co. 7.* IV. No person or persons to Recover any Damages by virtue of this Act, unless he or they, by themselves or Servants, *Rep. f. 6, 7.* 2. *Inst. fo.* within 24 hours after such Robbery or Injury done him or *569. Cro.* them, by any Robbers, &c. or within reasonable time after *El. fo. 142.* they are at liberty, shall give notice thereof, unto some of the *212. Cro.* Inhabitants of some Town, Village or Hamlet, near to the *Jac. f. 41.* place where such Fact shall be Committed; and shall within four

four days after such notice, given, in his, her or their Examination upon Oath, or their Servant or Servants that were in the House, or that had the Care of his Corn, Stock or Goods, before some Justice of the Peace of the County where the said Fact shall be Committed, Inhabiting within the Barony or near unto the same, whether he or they do know the person or persons that Committed such Robbery; and if it be confess, that he or they do know them or any of them, then to be Bond by Recognizance to Prosecute the Offender or Offenders, by Indictment, or otherwise, according to Law.

V. And before any Action shall be Commenced or Prosecuted, the person or persons Injured, shall obtain or procure a Presentment to be made at the next Assizes or Quarter-Sessions, to be held after such Offence Committed, by the Grand Jury of the County where such Fact shall be Committed, wherein notice shall be taken of such Robbery, &c. and of the Losses sustained, the Number of the Offenders, and how many of them are Papists or reputed such, and how many Protestants or reputed such; and also of the Barony or Baronies, and County where such Fact was Committed, with the Names of the Offenders. But in case where the person or persons Robbed, &c. or their Servant or Servants, do not know their Names, and shall declare so upon their Oath, openly in Court, then the Grand Jury, in such Presentment, to give the best Description they can on the Evidence produced before them, to the end they may be brought the Speedier to Justice, which Presentment shall be given in Evidence, by the person or persons obtaining the same, on any Tryal for Damages for his Losses sustained.

VI. If any shall be presented at the Assizes or Quarter-Sessions by the Grand Jury, as a Tory, Rapparee or Robber, and the same being Returned to the Clerk of the Council, the persons, in such Presentment Named, shall by Proclamation from the Lord Deputy, &c. and Council of this Kingdom, be Proclaimed: And if such person or persons, do not Render him or themselves, within the time therein limitted, to some one or more Justices of the Peace of the County, where such Presentment shall be made, then he or they, shall from thenceforth be Convict of High-Treason, and suffer accordingly; and that all and every person or persons Concealing, Aiding, Abetting or Succouring them knowingly, from and after the time so limitted by such Proclamation, shall be Guilty of Felony without Clergy and suffer as Felons Convict without Benefit of Clergy.

VII. Such persons as shall take and Convict, or Kill any Robber, Rapparee or Tory, in Arms, and upon his keeping Indicted, Proclaimed or Presented as aforesaid, the Justices of Assize in their Circuit, and the Justices of Peace in their Quarter-Sessions respectively, with the Consent of the Grand Jury, may

# TORIES.

may Tax and Assess every Inhabitant in any County, Barony City or Burrough Town, or Parish within the Limits of their Commissions, to such reasonable Aid and Sum of Money, as they shall think fit in their Discretion, convenient and sufficient for Encouraging and Rewarding such person or persons,

VIII. Provided such Sums do not exceed 20 pounds for one Tory, which said Sums so to be Raised, shall be Appointed and apportioned by the said Grand Jury, and Levyed by such Collectors as they shall Appoint, who shall Receive the same, and Distress every Inhabitant as shall be Taxed, and Refuses Payment, and to Sell the Distress; and deliver the Money so Taxed, to such person or persons, as shall take or Kill such Robber, Rapparee or Tory: And the Residue (if the Distress be better) to deliver to the Owner thereof.

IX. This Act to continue and be in Force for three years, from the Royal Assent, being given thereto, and from thence to the End of the first Session of the next Parliament, after the said 3 years and no longer.

X. Stat. 9. Gul. 3. Sess. 1. Cap. 34. Where any after the 6th day of November, 1697, shall be Murthered, Maimed or Dismembered, by any Robber, Tory or Rapparee, and the Offender or Offenders, or the Major part of them, shall not be Killed or Apprehended, and brought before some Justice of the Peace or other Magistrate, within 6 Calendary months, next after the Committal of such Offence, in Order to be Prosecuted. The respective Grand Juries of the several Counties in this Kingdom, where such Fact shall be Committed, shall at any Assizes to be held in such County where such Fact shall be Committed within one year after, Present and Charge upon the Papist, or Protestant Inhabitants thereof, proportionably, according as the Number of such Robbers, &c. shall be Papists, or reputed Papists, or Protestants, the Sums following, (That is to say) in case of Murther, not above 20 pounds, and for Maiming, not to exceed 10 pounds, as such Grand Juries (on Consideration had of the Quality of the person Murthered, &c. and the Circumstances of his Family) shall think fit, the same in case of Murther, to be paid to, and for the use of the Widow, and Children of the Party Murthered, and if not Married, then to the use of his Children or other next Relations; and in case of Maim or Dismembering, then to his or their use, so Maimed or Dismembered; and if he dye before Recovery, to the use of his Widow, Children or next Relations, as is aforesaid in case of Murther: The same not to be Assets in any of their Hands, or liable to answer any Debts of the Party Deceased, which Sum so to be Presented, shall be paid as follows, viz. where such Robbers, &c. shall be Papists or reputed Papists, then by the Papists Inhabitants of such County, where the said Facts shall be Committed, and where they are Protestants or reputed to be, then by the Protestants Inhabitants; And where the Facts are Committed

Committed by Papists and Protestants, then by the Popish and Protestant Inhabitants of such County, in such proportion, and according to the Number of such Papists and Protestants as shall Commit the same, for the Levying of which Sum, such Process, in the Nature of an Execution, shall Issue on such Presentment, against any one or more of the persons Chargeable therewith, and such Contribution, had Taxed and Levyed, for his Relief, against all other persons Chargeable therewith, as is herein after appointed in case of Satisfaction Recovered for Losses or Injuries done by such Robbers.

XI. In all Cases, where any is by the former Act, Intituled to Recover Satisfaction, for an Loss suffered by any Robber, &c. such person may pursue his Remedy for the same, at the next Assizes, to be held for the said County where such Offence was committed before the Judge or Judges of Assize, and the Grand Jury of the said County to be Impanelled and Sworn there, by Exhibiting his or their Petition to the said Judge or Judges of Assizes, therein praying such Satisfaction, and therein letting forth the time and place, when and where such Robbery was Committed or Injury done, and the several particular Goods lost, or other particular Damage done, and the particular value thereof, and by what Number of persons such Robbery was Committed or Injury done, and of what Religion they or any of them were, with the Names and Discriptions of such of them as he doth know, and such particular Discriptions of others of them as he can give; and the said matter shall there be Examined by the said Judge or Judges of Assizes in open Court, in the presence of such Grand Jury, on the Oath of the Party Robbed or Injured, and such other Evidence as can be produced touching the matter of Fact: And the said Grand Jury, in consideration thereof, amongst themselves, to make such Presentment thereof touching the same, and of such Sum or Sums of Money as the person or persons Robbed ought to have, and by what persons, whether Papists or Protestants, and in what proportions for each of them the same ought to be paid, for which Sum so Presented and Sett, Process shall Issue in the Nature of an Execution, against any Inhabitant or Inhabitants of the said County, Chargeable therewith, and all the other Inhabitants lyable to any part thereof, shall be Reteably and Proportionably Taxed towards an equal Contribution, for Relief of them against whom such Process is had, which Tax shall be Made, Levyed and Raised by such ways and in such manner as is prescribed and mentioned in a former Statute, Intituled, *An Act for the following Hue and Cry, made 10 & 11. Car. 1.* which see in Tit. *Hue and Cry.* S. 3. as aforesawed.

XII. If any find themselves Agrieved by any Presentment to be made in pursuance of this or the former Act, they may, in case the Sum presented to be Raised do exceed 5 pounds, at the Said Assizes Traverse the same, and to be Tryed at the same or the next Assizes, as the Judge or Judges who shall Allow the same

same shall think fit : And if on such Traverse the Issue be found for the Traverser, such Presentment shall be Discharged : But if it be found against him, he shall pay to the person or persons, on whose Behalf the Presentment was made, 20 shillings for the Costs of such Traverse ; and the said Presentment shall thereupon be Final and Conclusive to all persons.

XIII. Where any intend to proceed to Recover Satisfaction at the Assizes as aforesaid, they shall leave Notice in Writing with the High-Constable of the Barony, of such Intentions; and against what Inhabitants, whether Papists or Protestants, by the space of 8 days at the least, before such Assizes, that he may give publick Notice to those designed to be Charged therewith; that they may be provided and have opportunity to bring Evidence for themselves, to Oppose or Traverse such Presentment.

XIV. And no such Presentment shall at any time be Removed *Certiorari*, or the Prosecution thereupon, otherwise Delayed, then by such Traverse as aforesaid, and that for such time only as shall be necessary for the Tryal thereof as aforesaid; nor shall any such Presentment be at any time Quashed for any Invalidity, Imperfection or Defect in Form whatsoever.

XV. When, and as often as any of the Goods (for which the Party Robbed hath Received Satisfaction by such Presentments aforesaid) shall be Discovered, so as the same or Satisfaction for them may be Recovered, the person or persons upon whom the Sum so Presented was Levied, shall have the same and the Property thereof, and may pursue such Remedy for the Recovery thereof, as the Party Robbed might have done before such Satisfaction Received, such Goods, nevertheless after such Recovery, shall be Sold for the most the same will yield, and the Money Distributed equally and proportionably amongst the several persons so Taxed towards the payment of the Sum contained in the said Presentment according to each of their said several Taxations, towards the Relief of the persons on whom the Sum was Levyed, such Sale and Distribution to be Directed, Set and Ordered by the Justice or Justices of the Peace Signing such Taxation, who are required to do the same.

XVI. The Clerk of the Crown where such Presentment shall be made, shall on Request to him made, make and deliver to any desiring the same, true Copies Signed by him, of all such Presentments to be made in pursuance of this or the former Act, and of all Warrants or Orders for Levying of any Money grounded thereupon, for each of which there shall be paid to him one shilling and no more; and he is required to make and deliver the same accordingly.

XVII. This Act shall not extend to annul or make void any Verdict, Judgment or other Proceedings, made in pursuance of the former Act; but that the same shall continue and be as good and effectual, to all intents and purposes as if this Act had never been made.

XVIII. And

XVIII. And during the continuance of this and the said former Act, no Action or Sute shall be brought or prosecuted for the Recovery of any Satisfaction or Damages, for any Robberies Committed, or Loss or Injury sustained, for which Remedy is given, by this or the said former Act or any other Law or Statute whatsoever.

*Note that  
by this  
Clause no  
Remedy  
can be had  
for any*

*Robberies Committed during the continuance of these two Acts.*

XIX. If any who shall Commit any Robbery or Burglary, shall, while he is at large, and before he shall be Apprehended, or in Custody for such Offence, make Discovery of any 2 or more of such Robbers, &c. being also at large, and not in custody, so as they shall be Apprehended and Convicted for such Offence, or shall kill any two or more of such Tories, &c. as shall be Indicted and Proclaimed according to the said former Act, and be out on their keeping at the time of such their being killed, the person or persons so making such Discovery or Killing them, shall not be Proceeded against for any Robbery or Burglary by him or them before Committed, but shall have the King's Pardon, which shall be a good Bar also to any Appeal to be brought for such Robbery or Burglary.

XX. At all times hereafter during the continuance in Force of this and the former Act, the Printed Proclamation wherein any person is Named or Mentioned to be Presented by a Grand Jury of any County of this Kingdom, at the General Assizes or Quarter-Sessions held for the County, to be a Tory, Rapparee or Robber, out on his keeping, shall be taken, deemed and adjudged sufficient Evidence against them.

XXI. Provided before such Proclamation given in Evidence, the Clerk of the Council or his Deputy, do Certifie under his Hand and Seal, on the Back of such Proclamation, that he hath such Presentment as by the Act is required, Returned to him and remaining in his Office, wherein the said Tory, &c. is by Name, Presented to be a Tory, &c. out on his Keeping by the same Name that he is Named or Stiled in the same; and that the same Proclamation was grounded thereon, and the Original under the Great Seal agrees *verbatim* with the Printed Proclamation whereon he has Written such his Certificate, which shall be sent to the several Clerks of the Crown in this Kingdom, without any Fee or Reward.

XXII. This and the former Act to continue in Force 7 years, from the 6th day of November, 1697. and to the end of the next Session of Parliament after the Expiration of the said 7 years and no longer.

### Towns.

I. Stat. 17 & 18. Car. 2. Sess. 5. Cap. 2. In the last Clause of this Statute, it is Enacted; That the Lord Lieutenant, &c. and Council, shall and may Advise of, Settle and Direct in the

Passing of all Letters Patents in the Kingdom, for the future, how new and proper Names, more suitable to the English Tongue, may be Incerted, with an *Alias*, for all Towns, Lands and Places in that Kingdom, that shall be Granted by Letters Patents, which new Names shall thenceforth be the only Names to be used, any Law, Statute, Custom or Usage, to the contrary notwithstanding.

### **Traitors and Treason.**

I. **Stat.** 10. H. 7. Cap. 3. If any person or persons within the Land of *Ireland*, shall Maintain, Support or Receive, any Rebel against the King, the Receiver and Maintainer, as well as the Rebel, shall be Adjudged as open Traitors to the King.

II. **Stat.** 10. H. 7. Cap. 13. Whosoever shall Procure or Stir up, the Irishrie or Englishrie to make War against the King's Lieutenant, &c. or Procure or Stir the Irishrie, to make War upon the Englishrie, shall be deemed a Traitor, Attainted of High-Treason, as if such Insurrection had been Levyed against the King's Person.

III. **Stat.** 28. H. 8. Cap. 1. By this Statute *Gerald Fitz-Gerald*, late Earl of *Kildare*, and then Deceased, from the 8th day of *July*, Anno 20. H. 8. is Adjudged and Attainted Traitor of High-Treason; and he and his Heirs to Forfeit the Title and Name of Earl of *Kildare*, and to Forfeit to the King and His Heirs for ever, all his whole Estate. Also *Thomas Fitz-Gerald*, Son and Heir of the said Earl, *Sir John Fitz-Gerald*, *Oliver Fitz-Gerald*, Uncles to the said *Thomas*, and other persons, are all Adjudged and Attainted Traitors; and such of them as were Living, to suffer pains of Death, as in Cases of High-Treason: And they and such of them as were Dead, to forfeit their whole Estates within the Kingdom of *Ireland*, to the King and His Heirs for ever.

IV. The Right of others is saved, and the Right of the Traitors Wives to their own Lands and their Jointures.

26. H. 8. Cap. 13. Engl.  
V. **Stat.** 28. H. 8. Cap. 7. In a Parliament begun at *London* in the Realm of *England*, the 3d day of *November*, 21. H. 8. (as this Irish Statute says) It is amongst other things Enacted, That if any Rebelliously Detain, or With-hold from the King, any of His Fortresses, Fortiles, or Holds within this Realm, or any other His Dominions, or Marches, or Rebelliously detain, &c. from Him any of his Ships, Ordinances, Artillery, or other Munitions, or Fortifications of War, and do not give them up to the King, or such persons shall be Deputed by him, within 6 days after they shall be demanded by open Proclamation under the Great Seal, that then the Offenders, their Aidors, &c. being thereof lawfully Convicted, according to the Laws and Customs of this Realm, shall be Adjudged Traitors, and every such Offence, Treason, and Suffer and Forfeit accordingly.

VI. No Offender in any kinds of High-Treasons whatsoever they be, their Aidors, &c. shall have the Benefit or Privilege of any manner of Sanctuary.

VII. If any the Kings, Subjects, Denizens or others, do Commit or Practise, out of the Limits of this Realm, in any outward Parts, any such Offences, which by this Act are made or heretofore have been made Treason, the same shall be Inquired and Presented by the Oaths of 12 lawful Men, upon Evidence in such County of this Realm, as the King by Commission under his Great Seal shall appoint, in like manner as Treasons committed within this Realm are; and upon every Indictment and Presentment found and made of any such Treasons, and Certified into the King's Bench, such Proceedings shall be there made against the Offenders, as if the Treasons had been found to have been Committed within the Limits of this Realm: And all Proces of Out-lawry made within this Realm, against any Offenders in Treason, Residing or Inhabiting out of the same, at the time of the Pronouncing of the same against them, shall be as effectual in the Law, as if the Offenders had been Resiant and Dwelling within this Realm, at the time of such Proces Awarded and Out-lawry Pronounced.

439. *Hetley's Rep.* f. 153. *Flow.* f. 378. 481. 552. *Leon.* i. R. fo. 21. C. plac. f. 422.

VIII. All Offenders being lawfully Convicted of any manner of High-Treasons by Presentment, Confession, Verdict or Proces of Out-lawry, according to the Course of the Common Law of this Kingdom, shall Lose and Forfeit to the King, all such Lands, which they shall have of any Estate of Inheritance in Use or Possession, by any Title or Means, within the Realm of *England* or elsewhere within any of the King's Dominions, at the time of any such Treason Committed, or any time after saving to all others (other than the said Offenders, their Heirs and Successors, and such other persons as Claim to any of their Uses) all such Rights, Titles, &c. which they shall have at the day of Committing such Treason, or at any Time before, in as large and ample manner as if this Act had never been made.

IX. This Act being made in *England* as aforesawed, is Re-Enacted here in *Ireland* by this Statute of the 28 H. 8. Cap. 7.

X. *Stat.* 28. H. 8. Cap. 9. Sir *Walter Delabide*, Kt. being thought to be a Counsellor and Abettor of his Sons Confederacy with the Earl of *Kildare* in his Treason, the Estate therefore of the said Sir *Walter Delabide*, is given to the King.

XI. *Stat.* 11. El. *Sej.* 1. Cap. 3. Enacted that *Christopher Eustace of Totlanston*, in the County of *Kildare*, Esq; (Attainted of High Treason, by the *Stat.* 28 H. 8. and Executed for the same) be Deemed and Adjudged as a Traitor and Person At-

*Ve. Anders.*  
R. 1. pars f.  
262. *Dyer*  
f. 300. b.  
360. Co. 4.  
*Inft.* f. 42.  
3. R. f. 10.  
7. R. f. 25.  
233. 9. R.  
f. 140. 1.  
*Inft.* 74. 1.  
*Roll.* f. 162.  
2 *Roll.* f.  
318, 319.  
220, 322.  
340. 374.  
418. 420.  
513. *Pal-*  
*mers R.* f.

*Ve. God-*  
*bolts Rep.*  
pa. 303. pl.  
417.

## Traitors and Treason.

tainted of the said Treason, which by the said Act is Recited that he Committed, and that his said Estate, from the Time of such Treason, by the said Act supposed to be Committed, or at any time after, shall be and remain to the Queen, Her Heirs and Successors for ever, the lack of any Records of Attainder, or any Error in the same, or any Cause to the contrary in any wise notwithstanding.

XII. The whole Estate of *Nicholas Keating*, commonly called the Baron *Keating*, *David Nevil*, commonly called the Baron *Nevil*, in the County of *Wexford*, Esqs; which they or any to their use, were Seised of, the Day of their Attainder or Deaths, shall be and remain to the Queen and Her Successors for ever, notwithstanding the Lack of any Records, &c. or Error as aforesaid.

XIII. All Letters Patents under the Great Seal of *England* or *Ireland*, made by K. H. 8. K. E. 6. Q. *Mary*, K. *Philip* and Q. *Mary*, or the Queen's Majesty, to any Persons, before the First day of this Parliament, of any the Lordships, Mannors, &c. of the Traitors aforesaid, shall be and remain in full Force and Effect, to all intents and purposes, and that the said Patentees, their Heirs &c. shall have and enjoy the same Lordships, Mannors, &c. and other things in their Letters Patents Specified and Contained, according to the Words purport and Limitation of the same.

XIV. The Patentees and their Heirs, to pay and observe, to the Queen, Her Heirs and Successors, every thing to be yielded, paid and done, of their parts by Tenor of their Letters Patents, and shall yield and pay to all other persons, such Rent and Customs, Profits and Duties, which of Right they ought to have out of the said Hereditaments, or by reason of the same, at any time since the Date of their Letters Patents.

XV. Stat. 11. El. Sess. 3. Cap. 1. *Span O Neile*, Attainted of Treason, and his Estate given to the Queen, and the Name of *O Neile*, from henceforth to Cease and be utterly Abolished for ever; and that what person soever he be, that shall hereafter Challenge or take upon him that Name of *O Neile*, or any Superiority usurped and taken heretofore, by any *O Neile*, of the Lords, Captains or People of *Ulster*, it shall be High-Treason against the Queen, Her Crown and Dignity; and the person and persons therein Offending, and being thereof Attainted, shall suffer such pains of Death, Forfeiture of Lands and Goods, as in Cases of High-Treasons, by the Laws of this Realm hath been Accustomed and Used.

XVI. Several Countries Named and Given to the Queen, Her Heirs and Successors (see the Names in the Statute at large) to hold and enjoy the same, as in Right of her Imperial Crown of *England*.

XVII. A Proviso not to be prejudicial to several Nominees (see their Names in the Statute at large) or to any other Persons, being of the meer and natural English Blood and Name, and had any Right or Title to any Lands or Tenements, within any of the said Countries, or to any Merchandises, to be brought into any the Ports, Havens or other Places of Discharge, within any of the said Countries, at any Time before the 20 H. 8. but that they shall hold and enjoy their several Rights.

XVIII. Stat. 11 El. Sess. 3. Cap. 3. All the Lordships Mannors, &c. and whole Estate of Thomas Fitz Gerard, commonly called *Knight of the Valley* or *Knight of the Glann*, and of his Son, Executed for Murders and Burnings, is Given to the Queen, Her Heirs and Successors.

XIX. The Right of others (other than the Heirs of the said Thomas and his Son, and persons Claiming to the use of them, &c. and other than all such as Claim the Escheat of any of the said Lands) is saved by this Act.

XX. Stat. 13 El. Sess. 5. Cap. 5. John Fitz Gerald, called in his Life time, *the White Knight*, otherwise called *John Oge*, *Fitz John Knight*, *Fitz Gibbons*, Adjudged and Attainted from the 1st day of April, in the 11 year of the Queen's Reign, Traitor of High-Treason and his Estate given to the Queen, Her Heirs and Successors; and the real and actual Possession to be Adjudged in Her, without any Office or Inquisition thereof, to be taken or found.

XXI Saving to others (other than the said *John Fitz Gerald* and his Heirs, and all persons Claiming under him or to his use) all their Rights and Titles.

XXII. Provided this Act shall not extend to any Lands of his Wife, had in her own Right, or Ensured to her, by any Conveyance to her or any to her use, before the said 1st day of April.

XXIII. Stat. 13 El. Sess. 5. Cap. 7. Thomas Queverford, late of Ballymacka, in the County of Kildare, Adjudged and attainted from the First day of April, 11. of the Queen, Traitor Attainted of High-Treason, and his Estate to be Forfeited to the Queen, Her Heirs and Successors; and she to be deemed in the actual Possession thereof, &c.

XXIV. The Right of others and of his Wife, is saved, as in the last recited Act is expressed.

XXV. Stat. 27. El. Sess. 2. Cap. 1. By this Act James late Viscount Baltinglass, and several others (whose Names see in the Statute at large) are Convicted and Attainted of High-Treason, and their Estates Forfeited to the Queen, Her Heirs and Successors, and She to be deemed in the actual Possession therens, &c.

XXVI. The Right of others (other than the said James Late Lord Viscount Baltinglass, &c.) is saved by this Act.

XXVII This

## Traitors and Treason.

**XXVII.** This Act shall not extend to make void any Pardon heretofore Granted by the Queen to any of the Offenders, either by Proclamation or otherwise, Nor to make void any Gift, Grant, Lease or Demise made by Her, of any of Their Lands, to any Person or Persons, by Letters Patents under the Great Seal of *Ireland*, at any time since the Treasons Committed.

**XXVIII.** Two long Clauses (which see in the Statute at large) for Avoiding secret and fraudulent Conveyances made by the Offenders, of their Lands, to Defraud the Queen, if not made Appear, as the Statute directs to be made *Bona fide* and without Fraud, all such Conveyances declared to be void.

**XXIX.** Nothing in this Act to extend to Leases of Lands usually Letten for Years or Lives, &c. not exceeding 21 years or 3 Lives, and the usual Rent or more Reserved.

**XXX.** All persons to whose use any of the Offenders were Seised, of any Lands, &c. at the time of their several Treasons Committed, may Enter upon the same, as well upon the Possession of the Queen, Her Heirs and Successors, as of any other. And where they were jointly Seised with any other persons, to the use of any persons not being Attainted of treason, the said other persons (with whom the said Offenders stood Jointly Seised) shall stand and be Seised of the same Lands, &c. to such Uses and Intents as they were Jointly Seised, &c.

**XXXI. Stat.** 28 El. Sess. 2. Cap. 5. This Act of Parliament is made for Avoiding Fraudulent Conveyances, made by the late Rebels in *Ireland*, and does contain only the Substance and Contents (almost *Verbatim*) of the Clauses set down in the last mentioned Statute of the 27. El. Sess. 2. Cap. 1. §. 27, 28 & 29. here last above Recited,

**XXXII. Stat.** 28. El. Sess. 2. Cap. 7. *Gerrit Fitz Gerald*, late Earl of *Desmond*, and above 30 other Nominees (whose Names see in the Statute at large) are by this Act Convicted and Attainted of High-Treason, and all their Estates Forfeited to the Queen, Her Heirs and Successors; and the same Deemed and Adjudged in her actual and real Possession, without any Office or Inquisition hereafter to be taken.

**XXXIII** Then in this Act follows the same saving of others Rights, Proviso for Gifts, Grants and Leaves, made by the Queen, and Pardons Granted by Her, and of the Offenders being Seised to the use of others, Solely or Jointly with others, *Verbatim*, as in the Act of the 27 El. Sess. 2. Cap. 1. here before mentioned, §. 25, 26, 27, & 29.

**XXXIV. Stat.** 28. El. Sess. 2. Cap. 8. By this Act *John Brown of Knockmonbie*, in the County of *Limerick*, Gent. and 91 other persons (Named in the Act at large) and all others, which by actual Rebellion and other Traiterous Actions, &c. Combined themselves with the aforesaid Offenders, or Aided or Assisted them therein, or Died in the same their actual Rebellion

bellion or Treasons, or were Executed by Martial Law for the same, are Convicted and Attainted of High-Treason; and their Estates Forfeited to the Queen, Her Heirs and Successors, and to be Deemed in her actual and real Possession, without any Office or Inquisition, hereafter to be taken or found

XXXV. The same Savings, provisos, &c. are in this Act, as is shewed here before the Statute of the 27 El. 2. Cap. 1. §. 26, 27, & 29.

XXXVI. Stat. 11, 12 & 13. Jac. 1. Cap. 4. By this Statute Hugh, late Earl of Tyrone, Rory, late Earl of Tyrconnel, Hugh O Neile, late Baron Dungannon, and 30 others (whose Names see in the Statute at large) are Adjudged persons Convicted and Attainted of High-Treason; and that as many of them as were Alive and not Pardon'd, should suffer Death at the King's Pleasure, as in Cases of High-Treason: And all the Offenders Attainted by this Act, Declared to have Forfeited their Estates to the King, His Heirs and Successors.

XXXVII. A Proviso not to extend to make void any Grant, &c. made, &c. by the King, of any of the said Estates, to any person or persons by Letters Patents, under the Great Seal of Ireland, or England, at any time since the said Treasons Committed, but the same to stand and be in Force.

XXXVIII. But not to extend to Confirm or make good any Letters Patents formerly made to the said Hugh Earl of Tyrone, and others of the Offenders (Named in the Statute) or to any of them, or to any persons to whom any Estate is Limitted in, and by the Letters Patents, but that the same be utterly Void and Repealed.

XXXIX. Stat. 9. Gul. 3. Sej. 3. Cap. 1. Engl. Every of 9. Gul. 3. the King's Subjects, who since 11 December, 1688. have voluntar- Sej. 3. Cap. 1. Engl. ily gone into France, or any of the French King's Dominions, without License from His Majesty, or the late Deceased Queen Mary, or who have during the late War with France, born Arms in the Service of the French King, by Sea or Land, or who have since 13 February, 1688. been in Arms under the Command or in the Service of the late King James, in Europe, and shall after 14 Jan. 1697. Return into England, or any other His Majesty's Dominions, without License under the Privy Seal, shall be Guilty of High Treason, and Suffer and Forfeit accordingly.

XL. Every of His Majesty's Subjects, whose after 14 June, 1697. shall without License from His Majesty, within this Realm, or without, in Order to give any Aid or Assistance to the late King James, hold or keep any Intelligence or Correspondence, by Letters, Messages or otherwise with the late King James, or with any person Employed by him, knowing such person to be so Employed, or shall without License from His Majesty, by Bill of Exchange or otherwise Remit, or pay any Sums of Money for the Use or Service of the late King James, knowing

## 274 Traitors & Treason. Traverses.

knowing such Money to be for such Use or Service, shall be Guilty of High Treason, and suffer and Forfeit accordingly.

XLI. All persons who after 6 Jan. 1697. shall procure or accept any Charter of Pardon or Grant of any Title of Honour, or other matter or thing in *England* or *Ireland*, from the late King *James*, or shall Claim any Benefit thereby, or by any Writing, purporting any such Pardon or Grant, shall be Guilty of High Treason, and Suffer and Forfeit accordingly. And whosoever hath since 11 Decem. 1688. attempted such Pardon or Grant, shall by 13 Febr. 1697. deliver such Pardon or Grant to His Majesty in Council, or to one of the Secretaries of State, before two Witnesses, or be Guilty of High Treason, and Suffer and Forfeit accordingly.

XLII. Any person who having accepted or concealed any such Pardon or Grant, that shall discover and deliver up the same, by the said 13 Febr. shall not be punished for procuring, accepting or concealing thereof, but be wholly Indempnified for the same.

XLIII. All persons Indicted for any thing made Treason by this Act, shall have the Benefit of the Act. 7. Gul. 3. Intituled, *An Act for Regulating of Tryals in Cases of Treason and Misprison of Treason.*

XLIV. All Grants of any Estate Forfeited by vertue of this Act, shall be utterly void.

XLV. Note that any of the Offences against this Act, Committed out of this Realm (*viz. England*) may be Laid and Tryed in any County of the Realm.

### Traverses

I. Stat. 10. Gul. 3. Seff. 2. Cap. 10. Where any Office or Inquisitions, shall be found, before Escheators, Commissioners or others, upon Attainders of Treason, Felony or otherwise, wherein the Titles of any person holding the Lands, &c. for Term of Years, or Copy of Court Roll is Omitted and not Found, or the Titles of such as have any Rent, Common, Office, Fee, or other Profit, Apprendre of any Estate of Freehold, or for Years, or otherwise, out of any of the Lands, &c. (to which the King, His Heirs and Successors shall be Intituled) is also Omitted and not found; in every such Case, every Lessee, Tenant for Term of Years, or Copy-holder, and every such person and persons who have, or shall have any Interest to any Rent, &c. or other Profit Apprendre, for Term of Years, Life or otherwise, out of any of the Lands, &c. contained in such Office or Inquisition, wherein the King, His Heirs and Successors shall be Intituled, as aforesaid, to any such Lands, &c. shall have and enjoy all and every their Interests, in such Condition as they and every of them should or might have done, in case there had been no such Office or Inquisition found; and as they should, or lawfully might or ought to have done, in case such Titles had been found therein.

II. And

II. And where it is or shall be hereafter untruly found by Office or Inquisition, that any person or persons Attainted, or that shall be Attainted of Treason, Felony or *Præmunire*, is, or shall be Seized of any Lands, &c. at the time of such Offence Committed, or at any time after, whereunto any other person hath or shall have any Just Title of any Estate of Free-hold, then and in such Case every person Grieved thereby, shall have his Traverse, or *Montrans de Droit* to the same, without being driven to any Petition of Right; and like Remedy and Restitution upon his Title Found or Judged for him therein, as hath been Accustomed and used in the Cases of Traverse, althoough the King, His Heirs and Successors be, or shall be in such Case Intituled to any such Lands, &c. by double matter of Record.

III. This shall not extend to any Inquisition or Office taken or found, or which shall be taken or found before the 29th day of September, 1698. nor to hinder, prejudice or take away, the Titles or Possession of the King, or any other, grown or come by vertue of any Inquisition or Office, taken or found before the same day; but that as well the King as all others, having any Title by vertue of any Inquisition or Office found before that day shall and may hold the same, in like Manner and Form, as if this Act had never been made.

IV. In such Cases, where any shall be Enabled by this Act to have any Traverse, and shall pursue the same, they shall Sue on Writ or Writs of *Scire facias* (as the Case shall require) against such as shall have Interest by the King, or by his Patent or Patents, in like Manner and Form as is requisite upon Traverses or Petitions heretofore pursued: And in every such *Scire facias*, the Patentees or other Defendants, shall have like Pleas and other Advantage, as they had in any *Scire facias* before this time Awarded against any Patentee, in any Case of Petition. And also upon every Traverse that shall be pursued by vertue of this Act, in such Cases as the Parties pursuing the same, shoule, by Order of the Common-Laws of this Realm, have been put to Sue by Petition to the King; there shall be two Writs of *Search* Granted in Manner and Form, as like Writs have been Granted upon Petition made to the King.

V. Provided that if after Judgment shall be given upon any Traverse that shall be Tended, or Sued by vertue of this Act, it shall Appear by any matter of Record, That the King hath any other former Title to the Mannors, Lands, &c. mentioned in the same Traverse, that the same Title, shall be saved to the King, the said Traverse and Judgment thereupon given in any wise notwithstanding.

### Treasurer.

I. Stat. 10. H. 7. Cap. 1. The Treasurer of Ireland, shall have as large and ample power in all things belonging to his Office, as the Treasurer of England, as to make Cuitomer,

# Trespass. Trial.

Comptrolers, Farmers and other Officers Accomptants for the best Advancement of the King's Revenue of this Land.

II. All Acts made void, making Sheriffs and Escheators of Shires of the said Land, Accomptants contrary to this Act.

III. The Treasurer of *Ireland* every year, shall make his Ac-compt of the Revenues of the same Land, before the Barons of the Exchequer, and such of the King's Counsel as shall be Appointed by the King's Lieutenant or Deputy; and the same to be Transmitted to the Barons of the Exchequer in *England*, there to be Finished and Determined.

IV. This Act shall not Extend, nor be prejudicial to the Mayor, Bailiffs and Commons of the City of *Dublin*, nor to no City nor Town, Privileged within the Land.

## Trespass.

I Stat. 15. H. 6. Cap. 2. Every man shall Answer for the Offence or Ill, done by his Son, as he himself that did the Trespass and Offence ought to do, saving the Punishment of Death, which shall Incur to the Trespasser himself.

8 & 9. Gul. II. Stat. 9. Gul. 3. Sess. 1. Cap. 25. After the First day of 3. Cap. II. May, 1698. All Actions of Trespass, Commenced and Prosecuted in any of the King's Courts of Record at *Dublin*, wherein at the Tryal of the Cause, it shall Appear and be Certified by the Judge or Judges, before whom such Cause shall be Tryed, under his or their Hands, on the back of the Record, that the Trespass, upon which any Defendant shall be found Guilty, was wilfully and maliciously Committed, in every such Case, the Plaintiff shall not only Recover his Damages, Assessed by the Jury, but his full Costs of Sute, to be Taxed for him, by the Discretion of the Court where such Action shall be Tryed.

## Trial.

2. & 3. E. I. Stat. 10. Car. 1. Sess. 2. Cap. 19. Where any are Felo-niously Stricken, Poisoned, or Bewitched, in one County, and Dye of the same in another County within this Kingdom, or in any Place out of this Kingdom, or are so Stricken, &c. out of this Kingdom, and Dye in any County within this Kingdom; then

*Ve. Co. 3. Irjt. fo. 48, 49. 73. 135. Raft. pl. fo. 51. Dyerf. 46. a. pl. 8.* an Indictment thereof being found by a Jury of the County where the Death shall happen, if in case it happen to be within any County of this Kingdom, whether it be found by the Coroner upon sight of such dead Body, or before the Justices of the Peace, or other Justices or Commissioners having Authority to Enquire of any Treasons, Murders and Manslaughters, shall be as good in Law, as if the Stroke, &c. had been Com-mitted in the same County where the Party shall Dye, or where such Indictment shall be found. And in case such Death happens to be in any other Place out of this Realm, then an Indictment thereof, found by a Jury of the County, where any such

such Stroke, &c. is given, Committed or done before such Justices or Commissioners, as aforesaid, shall be as good in Law, as if the same Death had happened in the same County where such Stroke, &c. is given, &c.

II. And the Justices of Goal Delivery and *Oyer and Terminer*, in the same County where such Indictment is taken, and also the Justices of the King's Bench, after such Indictment is Removed before them, shall and may Proceed upon the same in all points, as they may or should Proceed, in case such Stroke, &c. and Death thereby ensuing, had grown all in one and the same County.

III. Such Party to whom Appeal of Murther or Manslaughter *Ve. Leon.* in the Case aforesaid is given, may Commence and Sue the *R.3. part.* same, in the same County where the Party Dyes, in Case he *fo. 140.* Dyes within any County of this Realm. And if he Dye out of this Kingdom, then in such County where the Stroke, &c. was Committed or Done: And in both Cases, as well against the Principal as against every Accessary to the same Offences, in whatsoever County or Place within the King's Dominions, the Accessaries shall be Guilty to the same.

IV. And the Justices before whom such Appeal shall be brought, within the year and day after such Murther, &c. Committed, shall Proceed against such Accessaries, in the same County where such Appeal shall be taken, in like manner as if their Offences had been Committed in the same County, where such Appeal is so taken, as well concerning the Trial by the Jury of that County where the same is taken upon the Plea of Not Guilty, Pleadied by such Offenders, as otherwise.

V. Where any Murder or Felony is Committed in one County, and another person or more are Accessaries to the same *Rep. fo. 9.* in another County within this Realm, or any Place out of the *9 Rep. fo. same,* then an Indictment found, or taken against such Accessaries, upon the Circumstances of such matter, before such Justices or Commissioners, as afore mentioned, shall be as good in *3. Inst. fo. Law,* as if the principal Offence had been Committed in the *48. Leon.* same County, where such Indictment is found against such Accessary. *Rep.1. part fo. 27.*

VI. And the Justices of Goal Delivery, or *Oyer and Terminer*, or 2 of them, in such County where the Offence of such Accessary was Committed, upon Sute to them made, shall write to the *Custos Rotulorum*, Clerk of the Crown or other Keepers of Records, where such Principal is Attainted or Convicted, to Certifie them, whether he be Attainted, Convicted or otherwise Discharged, of such principal Felony, who upon such writing to them, shall make their Certificate in Writing, under their Seal or Seals to the said Justices or Commissioners, whether such Principal be Attainted, Convicted or otherwise Discharged. *Ve. Dyer. fo. 253 b. pl. 103. 25. f. 254. a.*

# Tributes. Trinity Term.

VII. After such Certificate received, then the said Justices may proceed against every such Accessary, in the County where they became Accessaries, in such manner as if both the same principal Offence and Accessary had been Committed in the same County where the Offence of Accessary is Committed. And if such Offence of Accessary, happen to be Committed in any Place out of this Kingdom; then an Indictment found or taken against such Accessaries, before the Justices of the Peace, or other Justices or Commissioners, to Inquire as aforesaid, in such County where the principal Offender does receive his Trial by force of this Act of Parliament, shall be as good in Law, as if the said Offences of Accessary had been Committed or done in the same County where the same Indictment of Accessary shall be found.

VIII. And every Accessary and other Offender above expressed shall Answer upon their Arraignments and receive such Trial, Judgment, Order and Execution, and suffer such Forfeitures, Pains and Penalties, as is used in other Cases of Treason, Murther, Manslaughter or other Felonies.

## Tributes.

I. Stat. 28. H. 8. Cap. 11. All the King's Towns and Subjects, within this Land of Ireland, shall be Cleared, Acquitted and Discharged, from all Irish Tributes, Exactions and Impositions, which Irishmen used to Impose upon them, any Letters or Commandments sent to them to the contrary hereof notwithstanding.

## Trinity Term.

32. H. 8.  
Cap. 21.  
Engl.

I. Stat. 11. El. Sess. 3. Cap. 2. There shall be only 4 days of Return in Trinity Term. viz. *Craft. Trin. Octab. Trin. Quindena. Trin. and Tres. Trin.* to be observed and kept in all the Queens Courts of Record, Her Heirs and Successors hereafter to be holden at *Dublin*, or other Place or Places within this Realm, at the Assignment of the Lord Lieutenant, Lord Deputy, &c. of the said Realm.

II. This Term hereafter for ever shall begin yearly upon the Monday next after *Trinity Sunday*, whensoever it shall happen to fall, for the Keeping of *Essoins, Proffers, Returns*, and other Ceremonies formerly used. And the full Term shall begin yearly for ever, the *Friday* next after *Trinity Sunday*, and the said Second and Third days of Return called *Octab. Trin and Quindena Trin.* shall begin as in times past has been used: And the said Fourth day called *Tres Trin.* shall begin from the said *Trinity Sunday* into 3 weeks then next following, and shall have his Return the 4 day as Accustomed in other like Returns,

III. If a Writ in any Real Action come in and be Returnable.

<i>Octabis Hilar.</i>	Day shall be given in	<i>Craft. Trin.</i>
<i>Quinden. Hillar.</i>		<i>Octabis Trin.</i>
<i>Craftin. Pur.</i>		<i>Quinden. Trin.</i>
<i>Octabis Pur.</i>		<i>Tres Trin.</i>
<i>Craft. Trin.</i>		<i>Craft. Animar.</i>
<i>Octabis Trin.</i>		<i>Craft. Martini.</i>
<i>Quinden. Trin.</i>		<i>Octabis Martini.</i>
<i>Tres Trin.</i>		<i>Quindena Martini.</i>

IV. If a Writ of Dower come in, and be returnable.

<i>Quindeni Pasche.</i>	Day shall be given in	<i>Craftino Trin.</i>
<i>Tres Pas.</i>		<i>Octabis Trin.</i>
<i>Mense Pas.</i>		<i>Quindena Trin.</i>
<i>Quing. Pas. or</i>		<i>Tres Trin.</i>
<i>Craft. Ascen.</i>		<i>Octabis Mich.</i>
<i>Craft. Trin.</i>		<i>Quinden. Mich.</i>
<i>Ostabulus Trin.</i>		<i>Tres Mich.</i>
<i>Quindena Trin.</i>		<i>Mense Mich.</i>
<i>Tres Trin.</i>		

V. All common Writs and Proces, as well personal as mixt, shall have and keep the said Returns of *Craft. Trin. Octab. Trin. Quindena Trin. or Tres Trin.* or any of them.

VI. This Act shall not prohibit the Justices of every of the said Courts of Record, to assign especial days of Return in such Cases and Proces by them to be awarded, as have special days of Return, as by their discretions shall be thought convenient.

VII: The Days in Assize in *Darrein Presentment*, and in a Plea of *Quare Impedit*, appointed by the Statute of *Marlbridge 52. H. 3. Cap. 12.* As also the days given in Attaint limitted in the Statute of the *5. E. 3. Cap. 6.* being not contrary to the Tenor of this Act, shall remain and stand in their full force and effect.

## Trusts.

I. *Stat. 7. Gul. 3. Sess. 1. Cap. 12.* After the Feast day of the Nativity of St. John the Baptist, 1696. all Declarations or Creations of any Trusts or confidences of any Lands, Tenements, or Hereditaments, shall be manifested and proved by some Writing Signed by the Party, or by his Last Will and Testament.

29. Car.  
2. Cap. 3.  
Engl.

II. And where any Conveyance shall be made of any Lands &c. By which a Trust or confidence may arise by Implication or Construction of Law; or to be transferred or extinguished

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## Trusts. Twentieth Part.

ed by Act or Operation of Law, in every such case such Trust shall be of the Like force and effect as the same would have been if this Statute had not been made.

III. All Grants and Assignments of any Trusts shall likewise be in Writing, Signed by the Party Granting or Assigning the same, or by such Last Will and Devise, or else shall likewise be utterly void,

IV. And every Sheriff and other Officer, to whom any Precept or Writ shall be directed, (after the Feast-day aforesaid) at the Sute of any Person, upon any Judgment, Statute, or Recognizance, hereafter to be made or had, may deliver Execution unto the party in that behalf suing, of all such Lands, Tenements, Rectories, Tythes, Rents, and Hereditaments, as any other persons be in any manner of wise seized or possessed in trust for him, against whom execution is so sued, in like manner as if the party had been seized thereof himself, and freed from all Incumbrances of such persons so seized or possessed in Trust. And if any *Cestigue Trust* die, leaving a Trust in Fee simple to descend to his Heirs, the same shall be Assets by Descent, and be chargeable with the Obligation of his Ancestor, by reason of such Assets, as if the Estate in Law had descended to him in possession.

V. Provided that no Heir chargeable by reason of any Trust, made Assets by this Law, shall by reason of any kind of Plea, or confession of the Action, or suffering Judgment by *Nient de dire*, or any other matter, be chargeable to pay the Condemnation out of his own Estate; but Execution shall be sued of the whole Estate so made Assets, in whose hands soever it shall come after the Writ purchased.

## Twentieth Part.

I. Stat. 28. H. 8. Chap. 14. The Twentieth part of all the Revenues and Profits, as well called Spiritual as Temporal; of all Spiritual Livings and Promotions whatsoever, within any Diocese of this Land, shall be paid yearly for ever to the King, before the First day of April every year.

II. The Chancellor, or Keeper of the Great Seal of Ireland, shall send into every Diocese Commissioners in the King's Name, under his Great Seal, as well to the Arch-Bishop or Bishop of every Diocese, as to such other Commissioners as the King shall appoint; Authorizing them or any 3 of them, by their discretions to enquire of the true value of all such Spiritual Benefices and Promotions, with a Clause to make allowance of Rents to chief Lords, and other Annual and perpetual Rents and Charges Incumbent upon Spiritual Persons to pay or give. And to certifie under their Seals, or any 3 of them, into the Exchequer of this Land, as well the whole value as well the Deductions aforesaid, of every Spiritual Benefit or Promotion.

III. The

III. The Commissioners before they Execute their Commissions, to take a Corporal Oath, before the Lord Chancellor or Lord Keeper of the Great Seal, or such Commissioners as they appointed faithfully to Execute their Office, without Favour, Fear, or Corruption,

IV. After such Certificate made by the Commissioners as aforesaid, the said Twentieth part to be indifferently Taxed by the Treasurer and Barons of the Exchequer, out of the clear yearly Value, (besides the Deductions aforesaid) of the Premises; and every Spiritual person to be severally and distinctly charged in their proper Dioces, for the payment thereof, wheresoever their Possessions happen to be or lie.

V. After such Certificate made and Tax set, every Arch-Bishop, and Bishop are made Chargeable to Levy and receive the same within their Dioces, as well in places exempt as not exempt; and yearly before the said first Day of April, to pay the same to the King's Under-Treasurer, or Receiver General of this Land, or such other person as the King shall appoint to receive the same: And every of the said Arch-Bishops and Bishops, their Executors and Administrators, and the Possessions of their Dignities and Churches, shall be chargeable for the Payment of such Money as they receive, as aforesaid. And the Treasurer and Barons of the Exchequer shall Issue out Process at their Discretion against them for such portion of the said yearly Pensions as are Taxed within the peculiar Dioces of every Arch-Bishop and Bishop, and not otherwise.

VI. Every Arch-Bishop and Bishop may by Authority of the Censures of the Church, or by Distress or otherwise, by their Discretion Levy and Receive all such Sums of Money as shall be Taxed as aforesaid, upon any Spiritual Dignity within their Dioces; and no *Replevin*, *Prohibition* or *Supersedeas* upon any *Excommunication*, nor any other Writ, shall be Sued or Obeyed for any persons making default of payment of such Portion as they shall be Taxed at, till they have truly satisfied the same.

VII. During the Vacancy of any Arch-Bishoprick or Bishoprick, then the Dean and Chapter of the Cathedral Church, or the Prior and Convent, or the Chapter and Convent of the Monastery, or Cathedral Church where the See is Vacant, during such Vacancy, their Executors, Administrators and Possessors, shall be chargeable to do every thing for the due Execution of this Act, within such Dioces as the same Arch-Bishop or Bishop of such See being void, should have done; according as it is limitted by this Act.

VIII. After any Sum of Money is once due by any Incumbent, and Demand made by the Arch-Bishop or Bishop, or such as shall be charged with the Collection of any part of the said Pension

*Ve Dyer.*  
fo. 116. a.  
*Pl. 69. Me.*

*Rep. fo.* Pension ; or by their Ministers, Servants, or Officers, to pay  
*541. pl.* such portion thereof as they shall be Taxed, be not paid at the  
*714. Cro.* time of such Demand, or within 40 days next after ; then every  
*El. fo. 80.* Incumbent making such Default of Payment, and Certifi-  
*pl. 44.* cate made thereof into the Exchequer in Writing, under the  
*Moo. Rep.* Seals of any Arch-Bishop, Bishop, or such as he charged with  
*fo. 915. pl.* the Collection thereof, were to be adjudged deprived *ipso facto*  
*1296.* of all such Dignities, &c. Spiritual, as he should have at the  
time of such Certificate made, or any time after, so that the  
same was to be clearly void as if he had been dead. But this  
Deprivation is by the Statute of the 15. Car. 1. Remitted, and  
another Penalty Limitted instead thereof : See here afterwards, §. 17.

IX. Upon such Certificate as aforesaid, made into the Exche-  
quer, before the said first day of *April*, or at any time within  
24 days after the said first day of *April* ; then every such Arch-  
Bishop, Bishop, and every other person, having the charge for  
Collection and Payment of the said Pension, shall be discharged  
for such Sum : And in every such case the Treasurer, and Bar-  
rons of the Exchequer shall send such Process against every  
such Incumbent (against whom any such Certificate shall be  
made) and their Executors and Administrators ; or for Insuffi-  
ciency against the Successors of every such Incumbent, as that  
the King may be truly answered, and paid the same Arrear.

X. Acquittances made by the King's Under-Treasurer and  
Receiver General of this Land, or by such Commissioners as  
shall be appointed to receive the same Pension as aforesaid, and  
Subscribed with their Names, shall be as good a Discharge to  
such as Collect the same, as if made in the King's own Name,  
under his Great Seal ; and shall be allowed in all Courts of this  
Land. And the Treasurer and Barons of the Exchequer shall  
allow such Acquittances, and all such Certificates as shall be  
made as aforesaid, without any Writ, Bill or Warrant, to be  
Sued out in that behalf. And no Officer of the Exchequer  
shall take of any Arch-Bishop or Bishop, or of any other person  
having charge of the Collection, and payment of the said Pen-  
sion, any Reward or thing for making their Accompt or *Quie-*  
*tus* in the Exchequer concerning the same, upon pain to for-  
feit his Office, and make Fine at the King's Will and Pleasure.

XI. Every Incumbent charged with the payment of any  
Pension to any of his Predecessors, or to any to his use, shall  
retain and keep in his hands the 20th part of every such Pen-  
sion ; and he and his Sureties shall be discharged for the same,  
any Decree, Ordinance or Assignment, or any Writings or  
Surety made for such Pension in any wise notwithstanding:  
And he and his Sureties shall plead this Act in every of the  
King's Courts, for the discharge of the 20th part of every such  
Pension.

XII. Every person appointed to have any Spiritual promotion within this Land, chargeable for the first Fruits of the same, shall at their composition, or entry into Specialty for the payment thereof, have allowance and deduction of the said 20th part of the whole, out of the Sum to be paid for the first Fruits thereof, according to the Taxation of the 20th part of every such Promotion Spiritual.

XIII. All Farmers, and Lessees of any Profits whatsoever, belonging to any Promotion Spiritual, whereof any first Fruits or yearly Pension of the 20th part is granted to the King, are discharged of the payment thereof, notwithstanding any Covenant Bond, or Clause to the contrary; and the Lessors and Owners, and their Successors, made chargeable with the payment of the same.

XIV. The Dean, Chaunter and Treasurer, and Arch-Deacon of the Cathedral Church of St. Patrick's besides *Dublin*; and every other person and persons having any Dignities, Prebend, or any other promotion Spiritual, within the said Cathedral Church, whatsoever it be, are by this Act, in consideration of their payment of first Fruits, and Pension of 20th part of their Promotions Spiritual, discharged from go in or sending to any Hoysting, Rode, Voyage, or Journey, at any time to be had or Assigned within this Land, for or in consideration of their Promotions Spiritual within the said Cathedral Church, whatsoever they be; so that they shall not forfeit any thing for their default herein. And if they, or any of them, be amerced be reason thereof, and the Sheriff, or any other, will distrain for the same, the Offender herein shall forfeit for every such time 10 pounds; one half to the King, and the other to the Party grieved, that will Sue for the same by Action of Debt, &c. wherein no Essoin, &c. shall be allowed.

XV. *Edward Basnett*, then present Dean of the said Cathedral, is discharged from the payment of his 20th part for that year; and the Lord Prior of St. Johns of *Jerusalem in Ireland*, and his Successor are chargeable with the Collection and Payment of the 20th part to the King of the said Priory, in the same manner as any Arch-Bishop or Bishop of this Land within his Diocese is chargeable; and that none of them shall be chargeable with collecting and paying the same.

XVI. Two days of payment for the 20th part is Granted to the Clergy by the last Proviso of this Act, viz. One Moyety at the Feast of *Easter*, and the other Moyety at the Feast of St. *Michael* the Arch-Angel, yearly by even Portions.

XVII. *Stat. 15. Caw. 1. Cap. 12.* Enacted that the Omission or Non-payment of the 20th part aforementioned, §. 8. shall be no deprivation nor cause of Forfeiture, or deprivation of any such Incumbent, but that every such Incumbent so failing in his payment, shall forfeit to the King for his Omission, as *nomine pene*, the treble value of such 20th part as he ought to have paid, and failed in the payment thereof. *Tythes:*

## Tythes.

32. H. 8. I. Stat. 33. H. 8. Sess. 1. Cap. 12. All persons of this Land cap. 7. En. shall truly divide, set out, or pay all Tythes and Offerings, Ve. Cro. El. according to the Lawful Customs and Usages of the Parishes fo. 60. Sess. 1. where they shall grow, arise, or become vil Rep. fo. due.

125. II. If any persons detain any Tythes or Offerings, the party being Ecclesiastical or Lay-person, having cause to demand or have them, may convenant the detainer of them before the Ordinary, his Commissary, or other lawful Judge of the Place, according to the Ecclesiastical Laws; who having the Parties or their lawful Procurators before him, hath power to hear and determine the matter in question, ordinarily or summarily according to the course of the Ecclesiastical Laws, and thereupon may give Sentence accordingly.

Ve. Cro. El. III. In case any of the parties for any cause concerning fo. 178. that Sute, do appeal from the Sentence of the Judge aforesaid, then he shall adjudge to the other party, the reasonable Noyes Rep. fo. 137. costs of his Sute therein before expended; and compel the Appellant to satisfie them, by compulsory Process and Censures Ecclesiastical, taking Surety of the other party, to whom costs shall be adjudged and paid, to restore the costs to the Appellant in case the principal Cause pass against him, to whom the said costs shall be yielded. And likewise every Ecclesiastical Judge shall adjudge costs to the other Party upon the Appeal to be made in any such Sute.

IV. If any person after such definitive Sentence given wilfully refuse to pay the Tythes, or such Sums of Money so adjudged, then two Justices of the Peace (*Quor. unus*) shall upon Information, or Certificate to them made, in Writing from the said Judge Ecclesiastical, commit the party so refusing to the next Goal, there to remain without Bail, until he have found Sureties to be bound by Recognizance to the King, to perform the said Sentence and Judgment.

Co. pla. fo. V. Provided that none shall be sued or compelled to pay 455. 2 Rep. Tythes for Lands, &c. which by the Laws or Statutes fo. 44. 2. of this Land are discharged, and not chargeable with the Roll. fo. payment of any Tythes.

479. VI. In all cases where any Person who hath an Estate of Ve Dyer, Inheritance, Freehold, Term, Right, or Interest in any fo. 83. a. Parsonage, Vicarage, Portion, Pension, Tythes, Oblations, Co. Lit. fo. or other Ecclesiastical and Spiritual Profits, which now be, 159. a. or hereafter shall be made Temporal, or admitted to be and abide in Temporal hands, or Lay uses or Profits, by the Laws

Laws or Statutes of this Land, shall happen hereafter to be disfised or outed, of or concerning the same, by any other claiming or pretending to have any Title thereunto: The persons so disfised or outed, their Heirs, Wives, or such other to whom such wrong is done, shall have their remedy in the King's Temporal Courts, or in other Courts, (as the case shall require) for recovering their Right by Writs of *Præcipe quod reddat*, *Affise of Novel disseisin*, *Mortdaun-cessor*, *quod ei deforceat*, Writs of Dower, or other Original Writs [as the case shall require;] in like manner as for Lands, &c. in such manner to be demanded.

VII. Also Writs of Covenant, and other Writs for Fines to be levyed, and other Assurances to be had and made of any such Parsonage, Vicarage, &c. shall be devised and granted in the said Chancery according as hath been used for Fines to be levyed, and Assurances to be had and made of Lands, Tenements, &c. And that all Judgments to be given upon any such Writs so to be devised; and all Fines to be levyed for any the Premises, shall be of like force in the Law, as Judgments given, and Fines levyed of Lands, Tenements, &c. in the same Courts upon Writs Original duly pursued, albeit no such Writs Original in the cases aforesaid have been awarded.

VIII. Provided that remedy shall be had against such persons as refuse or deny to set out their Tythes, or to pay their Tythes or Offerings, by the parties, whether Ecclesiastical or Lay person, having cause to demand or have the same, in the Spiritual Courts, and not in the Temporal Courts, as above in this Act is mentioned.

#### Wagabonds.

I. **S**TAT. 33. H. 8. SEFF. 1 CAP. 15. By this Statute the ACT of the 22 H. 8. Cap. 12. made in England, is re-enacted here, and ordained, that the same

22. H. 8.  
cap. 12.  
Engl.

Act (though it now stands Repealed in England) and all and every thing Article and Provision comprised in the same, be within this Land, an Act and Statute to be continued and kept as a Law within this Land, according to the Tenor and Purport of the same. The Tenor of which Act is as followeth, viz.

II. Enacted that the Justices of the Peace of all and singular the Shires of England, within the Limits of their Commission. And all other the Justices of the Peace, Mayors, Bailiffs, and other Officers of every City, Burrough, Riding, or Franchise, within the Realm of England, within the limits of their several Authorities; shall by their Discretions as often as need requires, divide themselves within their Limits; and make a diligent search and en-

quiry  
Y y 2

quiry of all aged, poor and impotent persons which live on charity of the People, that are abiding within every Hundred, Rape, Wapentack, City, Burrough, Parish, Liberty, or Franchise, within the Limits of their Divisions: And after such search made, they may enable (by their discretions, and within their own Limits) such of the said impotent persons as they think fit and convenient, to live of the Charity and Alms of the People, to beg within such Limits as they shall appoint; and give them in charge that none of them beg without the said Limits so appointed: and shall also write the Names of such Licensed Beggars, in a Roll indented, the one part to remain with the Beggar, and the other to be by them certified to the next Sessions, after such search made, to be holden within the said Shires, Cities, &c. there to remain under the keeping of the *Custos Rotulorum*.

III. And the said Justices, &c. in their several Divisions, shall make Seals to be engraved with the names of the places limited for every such Impotent person to beg in, and commit the said Seals to the custody of such of them, or of such other as they shall think fit; and shall make and deliver to every such person by them enabled to beg, a Letter containing his Name, and Witnessing that he is Licensed to beg, and within what Limits. The same Letter to be Sealed with such of the Seals as shall be Engraved with the Name of the Limit where he is to beg, and to be Subscribed with the Name of one of the said Justices.

IV. And if any person beg in any place without his assigned Limits, then the Justices of the Peace, Mayors, &c. and all other the King's Officers and Ministers, shall by their discretions punish all such persons, by Imprisonment in the Stocks by the space of 2 days and 2 nights, giving them but only Bread and Water; and after that cause them to be sworn to return without delay to the place where they be ordered to beg in.

V. If any such Impotent person be Vagrant, and go a Begging, having no such Letter under Seal as above specified, then the Constable, and other Inhabitants within the place where he shall beg, shall cause every such Beggar to be taken and brought before the next Justice of the Peace, or High Constable of the Hundred, who shall command the said Constables, or other Inhabitants of the Town, or Parish that bring him, that they strip him naked from the middle upward, and cause him to be whipped within the Town where he was taken, or within some other Town where they shall appoint (if they in their discretion think it convenient to punish such Beggar so) if not, then to command

command him to be set in the Stocks in the same Town or Parish where he was taken, by the space of 3 days and 3 nights, and have only Bread and Water: And then the said Justice or High Constable, before whom he was brought, shall Limit him a place to beg in, and give him a Letter under Seal, as aforesaid; and Swear him to repair thither immediately, after his Punishment Executed.

VI. If any person, Man or Woman, whole and strong of Body and able to labour be taken begging in any part of this Realm, or having no Estate, nor using any Merchandise, Craft, or Mystery to get a Living, be Vagrant and can give no account how he does lawfully get his Living; then it shall be lawful for the Constables or other Officers, of every Town, Parish and Hamlett, to Arrest such Vagabonds, and bring them to any Justice of the Peace, of the same Shire or Liberty, or else to the High-Constable of the Hundred, Rape or Wapentack, within which they are taken; or before the chief Officer of a Corporation (if they be taken there:) And every such Justice, High Constable, or Head Officer, by their discretions, shall cause every such idle person so brought before him, to be had to the next Market-Town, or other place where they think fit, and there to be tyed to the end of a Cart, and to be whipped through the said Market-Town, or other Place till his body be bloody; and after such whipping, the Justice of the Peace, &c. before whom such person shall be brought, shall enjoyn him upon Oath, to return without delay the next way to the place where he was born, or dwelled, by the space of three years.

VII. And every such person so punished, shall have a Letter Sealed with the Seal of the Hundred, Rape, or Wapentack, City, Burrough, &c. where he is punished; Witnessing the same, and containing the day when, and place where and the place to which he is limitted to go, and by what Time: within which Time he may lawfully beg, shewing his Testimonial, or else not. And if he perform not according to his Testimonial, then to be taken where he begs, and whipped; and every Time he shall offend against this Statute, in every place to be taken and whipped till he come to the place where he was born, or dwelled, by the space of 3 years; and there labour for his Living. And if the person be an idle person, and no common Beggar, then after such whipping he shall be kept in the Stocks till he find Sureties to go to Service, or else to labour according to the discretion of the said Justice, &c. before whom he shall be brought; if it be thought convenient, and that he be able to find Sureties; or else to be ordered and sworn to repair to the place where he was born, or where he dwelled, by the space

space of 3 years; and to have like Testimonial, and such further punishment if he offend, as is above appointed for the common, strong and able Beggars: and so from time to time to be ordered and punished till he fall to Labour, or otherwise get his Living truly according to Law.

VIII. Justices of the Peace within the Limits of their Commission, shall enquire of the negligence of all Mayors, Bailiffs, Constables, and other Officers and persons herein. And if the Constable or Inhabitants of any Town or Parish, do not take such Impotent, and strong Beggars, as beg there contrary to the Form of this Statute; and order and punish them as is above limited, they shall forfeit for every such Impotent Beggar 3*s.* and 4*d.* and for every strong Beggar 6*s.* and 8*d.* one half to the King, and the other half to the Informer that will sue for the same, by Bill of Information, before the Justices of the Peace in their General Sessions. And all Justices of the Peace within any Shire, City, or Liberty, shall have power to hear and determine the same; and upon every such Presentment, or Bill of Information before them, to make Process by Distress, against the Inhabitants of every such Town or Parish, so Presented or Informed against, and the Sheriff, or other Officer, that may make Distress, shall by Virtue of such Process, distrain the Goods and Chattels of such one or two of the said Inhabitants he is informed was most negligent herein, and retain the same till they find Sureties to appear at the next Sessions limited in the said *Distringas.* And if they appear and confess the fault, or traverse the Presentment, and it be found against them by Verdict, or deny the Information, and it is proved against them by Witness, then the Justices of Peace in their Sessions shall Assess the Fines above limited; and make out Process for the levying of the same by Distress of such Inhabitants. And every such Fine as accrues by Presentment to be to the King's use only; and such as grow by Information, one Moyety thereof to the Informer, and the other to the King. And if the parties Distrained to appear make default, and do not appear, and the Sheriff or other Officer makes Return that they were Distrained, such persons so Distrained shall forfeit 40*d.* on the first Distress, 6*s.* and 8*d.* on the second; and so every Distress to be double till appearance be had by one of the Inhabitants of such Town or Parish, to Deny, Traverse, or Confess the Presentment or Information against them, to the intent that upon tryal or proof thereof, the Fines above limited may be Assessed and Levyed of every such Town or Parish, as aforesaid.

IX. Begging Scholars of *Oxford* or *Cambridge*, not Authorized under the Seal of the said Universities by the Commissary, Chancellor or Vice-Chancellor of the same, all Shipmen,

men, pretending Losses and of their Ships and Goods at Sea, begging without sufficient Authority, and all other Idle persons going about the Country or abiding in any City, Burrough or Town, using unlawful Games and Plays, or pretending to have Knowledge in Physick, Phisnomy, Palmistry, and other crafty Sciences, making the People believe that they can tell their Fortunes; shall upon Examination, had before 2 Justices of the Peace (*Quor. unus*) if by proof they be found Guilty of such Deceits, be punished by Whipping 2 days together, after the manner before rehearsed; And if they Offend again, then to be Scourged 2 days; and the Third day to be put upon the Pillory, from 9 of the Clock, till 11 before Noon of the same day, and have one of their Ears cut off; and for the Third Offence, to have like Punishment of Whipping, standing on the Pillory, and have their other Ear cut off; and that the Justices of the Peace shall have like Authority within Liberties as without, being within their Shires.

X. This Act shall every year be Read in open Sessions, to the Intent that the said Statute shall be the more Feared, and the better put in Execution.

XI. If any Harbour, Lodge or give any Money, to any Beggars, being strong and able of Body to Work, such Offence being Proved or Prosecuted before any Justice of the Peace, the Offenders shall make such Fine to the King, as by the Discretion of the said Justices of the Peace, at their General Sessions, shall be Assessed. And such persons as Disturb the Execution of this Act, and make Rescous against any Officer or other person, in the Execution thereof, every such Offender shall Forfeit 100 shillings, and have Imprisonment at the King's Will, the one half of which Forfeiture, if the Offence be in a Corporation, to the Head Officer there, to the use of the Corporation; and if the Offence be Committed without a Corporation, then the said one half to the Lord of the Leet, or Law-day where it was done, and, the other half of every such Forfeiture to the King, the said Forfeiture of 5 pounds to be Sued for, in any of the King's Courts, by Action of Debt, Bill, &c. and no Wager of Law, &c. to be allowed.

XII. This Act shall not be prejudicial to the Barons or Inhabitants of the Five Ports or of their Members, nor to any Grant, Liberty or Franchise, made to them, by any of the Kings of England: And it shall be put in Execution within the said Ports, by the proper Officers there. And if any Impotent or other Idle person, Inhabiting within the Five Ports or Members, do Beg without the said Five Ports or Members thereof, contrary to this Act, then every such person shall be Punished according to this Act.

XIII. Seals

## Vagabonds.

XIII. Seals as above Rehearsed shall be made, at the Costs and Charges of the Justices of the Peace, Mayors, Sheriffs, Bailiffs and other Officers above Written, within the Limits of their Divisions, Jurisdictions and Authorities, and of every Testimonial to be made by the Authority of this Act, whereby any Impotent Beggar, shall be Authorized and Assigned to Beg, shall be made in this Form following.

Kanc. ss. **M** Emorand. That A. B. of Dale for reasonable Considerations is Licensed to Beg within the Hundred of P. H. and L. in the said County. Given under the Seal of that Limit. Dale die & Anno.

And that such Testimonial that shall be made and delivered to such Beggar or Vagabond, after he hath been Whipped by Authority of this Act, shall be made in this wile following.

Kent. **I**S Whipped for a Vagrant Strong Beggar at Dale, in the said County, according to Law, the 22d day of July, in the 23d year of K. H. the 8th, was Assigned to Pass forthwith and directly, from thence to Sale in the County of Middlesex, where he saith he was Born, (or where he saith he last Dwelled by the time of three years) and he is Limitted to be there, within 14 days next ensuing at his peril, [or within such Number of days, as to him shall be Limitted by the Discretion of the Maker of such Pass] in Witness whereof, the Seal of the Limit of the said Place of Punishment bereunto is Sett,

XIV. And every such Testimonial, shall be made at the equal Costs of such of the said Justices, Mayors, &c. and other Officers, within whose Jurisdictions the said Beggar or Vagabond, shall be Whipped or Limitted to Beg in, by Authority of this Act; and shall be Subscribed with the Hand of one of the said Justices, Mayors, &c. or other Officer, in this Form following. Per me A. B unum Justiciorum pacis; or Majorem Civitatis; or Ballivum Ville, or Constaburarium talis Hundredi, or else in like form in English.

XV. And every one having the Custody of any Goal, within any Shire, City, Burrough or Town Corporate; shall have a Seal Engraven with the Name of the Castle, Prison or Goal, which he keepeth: And such persons as shall be Delivered out of any Goal or Prison, for Suspicion of Felony, by Proclamation, or are Acquitted (and cannot pay his Fees, nor was Born within the Hundred or Place where he is Delivered, nor get him no Master, there to Work with) shall have Liberty to Beg, by the License of his Keeper, by the space of six weeks next after such Deliverance; and after that, be Compelled to go to the Hundred where he was Born,

Born, or last dwelled by the space of three years, within such time, as one of the Justices of the Peace, Mayors, &c. or other Officers where such Deliverance, shall be made. And every person so Delivered shall have a Testimonial made to him, by the Clerk of the Peace, of the Shire within which he was Delivered (if Delivered there) And if in any Corporation, then to have it from the Town-Clerk there; every such Testimonial Witnessing the day of his Deliverance, and Place where, and before whom, and the time Appointed to him to Beg for his Fees, and the place to which he shall be Assigned to Repair to, in case he can get no Master to fall to work where he was Delivered; and to every such Testimonial, the said Goaler or Keeper of the Prison, out of which he was Delivered, shall put the Seal aforesaid, for the said Prison; and every such Testimonial shall be made in this wise following.

Essex. **T**HIS 20th day of July, Anno Regni Henrici 8. 23. J. S. was Delivered for Felony, out of the Goal of D. in the said County, at the Sessions holden before A. B. and his Fellows at Sale, the day and year aforesaid, and is Allowed to Beg for his Fees, by the space of six weeks; and in case he can get him no Master, to work within the said Term, then he is Assigned to pass directly to D. in the County of Kent, where he was Born, or last dwelled by the space of three years; And he is Allowed 14 days next after the said six weeks for his Passage thither [or such Number of days, as to him, shall be Limited by the Discretion of the maker of the said Testimonial] in Witness whereof the Seal of the Prison, from which he was Delivered thereunto is Sett.

**XVI.** And in such Cases where there is no Goal, the Sheriff of the Shire, for the time being, shall cause a Seal to be Engraved with the Name of the Shire, and shall use the same for such persons Delivered as aforesaid, as the Goaler is appointed to do.

**XVII.** And every Clerk of the Peace of the Shire, and every Town Clerk of a Corporation, within which such person shall be Delivered, shall make, the said Testimonial, in Form aforesaid, without any Fee, and shall Deliver the same to the Goaler or Keeper of the Prison, from which such person was Delivered: And if there be no Goal there, then to the Sheriff of the Shire where such Deliverance shall be had, within one day after the end of the Sessions, where the Deliverance was, upon pain of 12 pence for every Default to the King. And that the Goaler or Keeper of the Prison, from which the said person shall be Delivered, or where no Goal; then the Sheriff in such Case, shall not suffer any such person to go Abroad to Beg for his Fees, nor

## Vagabonds. Vicarages.

depart out of Prison, except it be to Service or Labour, unless they first deliver him the said Testimonial, containing his Name, Sealed with the Seal of the Prison or Shire (if there be no Prison) upon pain to lose 12 pence for every Default to the King.

XVIII. If any person Delivered out of Prison, as aforesaid, do Beg, not having such a Testimonial, as above shewed, or Beg contrary to the Tenor thereof, he shall be Ordered and Whipped in every respect, as is appointed for strong and able Beggars.

XIX. Provided that all persons bound by their Foundations, to distribute any Money in Alms, at Burials or Obites, may give Money in Alms, as they used to do without any danger of this Act.

XX. And all Masters and Governors of Hospitals, may Lodge and Harbour any persons of Charity or Alms, and give Money according to their Foundations, in such manner as they ought to do notwithstanding this Act.

### Vicarages.

I. Stat. 33. H. 8. Sess. 1. Cap. 14. Commissioners appointed by the King, Enabled, to Ordain and Incorporate, one Vicarage of one Vicar in every Parish Church within this Land, Appropriated unto the late Hospital of St. John's Jerusalem, within this Land, or to other Monasteries, Religious Houses and Hospitals now Dissolved, which shall have Succession in every of the same Vicarages, as Vicar in him and his Successors for ever.

II. The Lord Deputy to present an able person, in the King's Name to the Ordinary, within whose Diocese the said Church does stand, to be Vicar of every the said Churches, who after Admission, Institution and Induction, shall be taken to be Vicar of the said Church, and may Implead or be Impleaded as Vicar thereof to all purposes, as other Vicars of this Land, do or may do by Law.

III. The Commissioners aforesaid, or any 9. 8. 7. or 6. of them, may Assign unto every such Vicar, such Mansions, Portions of Tythes, Altarages and Oblations, and the Possessions coming to the King, by the Dissolution of the same Religious Houses, for the Maintenance of Divine Service, and Keeping of good Hospitality within their said Parishes, as by the said Commissioners shall be thought necessary and convenient. And after Certificate thereof, into the Chancery under their Seals, the Lord Chancellor, by the King's Letters Patents, under the Great Seal of this Land and in the King's Name, then to Grant and Endow the said Vicars, with the same Houses, &c. to be paid by him and his Successors in pure Alms for ever; Paying and Reserving unto the

the King His Heirs and Successors yearly, the 20th part of every such Vicarage; and the First Fruits, at and upon every Presentation of every such Vicar, in such manner as other Vicars within this Land, be bound by the Laws and Statutes of this Realm.

IV. Provided that the yearly value of every such Mansion, Portion of Tythes, &c. so to be Assigned to any such Vicar, at the time of such Assignment, do not exceed the yearly value of 13 pounds 6 shillings and 8 pence Irish.

V. The Right and Title of all others [other than the King, His Heirs and Successors] to any such the said Mansions, &c. is saved by this Act.

VI. After the first Establishment of every such Vicarage, and after the Admission and Institution of every such Vicar or Vicars in the same, the King, His Heirs and Successors, shall have the Advowson and Presentation thereof, to Him, His Heirs and Successors for ever.

## Uniformity.

I. Stat. 2. El. Cap. 1. Every Minister in all Cathedral 1. El. Cap. Churches, or Parish Churches, or other Places within this 2. Engl. Realm, shall use the Church Service, in such Form as is mentioned in the Book of Common-Prayer, Established by the Statute of the 5 & 6. E. 6. together with the Addition of certain Lessons to be used on every *Sunday* in the year, and the Form of the Litany, Altered and Corrected, and two Sentences only Added in the Delivery of the Sacrament to Communicants.

II. If any Vicar or other Minister, that ought to use the *Ve. Godb.* same Common-Prayers, or Administer the Sacraments, in *R. pa. 118.* any Cathedral or Parish Church. or other Places, as he *pl. 137.* should use to Minister the same, Refuse to use the same accordingly, or shall wilfully use any other Rite, Ceremony, *R. 228.* Form, &c. then as is set forth in the said Book, or shall Preach, Declare or Speak any thing in Derogation of the said Book (and being Convicted thereof by the Verdict of 12 Men, his own Confession, or Notorious Evidence of the Fact) he shall loose to the Queen, Her Heirs and Successors, for the first Offence, one whole years Profit of all his Spiritual Promotions, and suffer six months Imprisonment without Bail ; for the Second Offence, shall suffer one whole years Imprisonment, and be deprived *Ipsa facto*, of all his Spiritual Promotions : And every Patron or Donor, may Present or Collate to them as though he were Dead ; and for the Third Offence, to be Deprived as aforesaid, and suffer Imprisonment during Life. And if he be not Beneficed, then for the First Offence (after Conviction) to suffer one whole years Imprisonment without Bail ; and for the Second Offence, to be Imprisoned during Life.

*Ve. 1. Roll. f. 93. 2. Roll. fol. 227. 247 Co. pla. fo. 362. 3. Inlt. f. 198. Dyer. fo. 203. 223. 231.* III. If any shall be Convicted to have, by Interludes, Plays, Songs, Rhymes, or otherwise to have Depraved the said Book, or to have Compelled or Procured any Person, Vicar or other Minister, to Sing or Say any other Church Service, or any other Form, then as aforesaid ; or by any means to have Interrupted, or Lett any Parson, Vicar or other Minister, to Sing or Say the said Service they shall for the First Offence (being Convicted in Form aforesaid) Forfeit to the Queen, Her Heirs and Successors, 100 marks ; and that not paid within 6 weeks after Conviction, suffer, instead thereof, 6 months Imprisonment without Bail ; for the Second time Offending 400 marks, and that not paid within 6 weeks, &c. to suffer Imprisonment for 12 Months without Bail ; and for the Third Offence, to Forfeit all his Goods and Chattels, and be Imprisoned during his Life.

*Ve. Co. II. R.f. 55. 2. Roll. f. 89. 438. 5. Godb. Rep. pa. 148. pl. 191. March. Re pa. 93* IV. All persons shall Resort to their Parish Church or Chappel, or (upon reasonable Lett) to some usual place, where Common Prayer and such Service of God shall be used, upon every Sunday, and Holy-day, and there Abide Orderly and Soberly, during the time of Common Prayer, Preaching or other Service of God, in pain to be punished by the Censures of the Church ; and also upon pain of 12 pence every person so Offending every time, to be Levyed by the Church-Wardens of the Parish where the Offence is Committed, of the Goods Lands and Tenements of the Offender, by way of Distress, to the use of the Parish there.

V. All Arch-Bishops, Bishops and other Ordinaries, are requested to put this A& in Execution, through their Dioces ; and they and all other their Officers, Exercising Ecclesiastical Jurisdiction, are Impowered to Reform, Correct and Punish, by Censures of the Church, all persons that shall Offend within any of their Jurisdictions or Dioceses.

VI. Justices of the Peace, of Goal Delivery, Oyer and Terminer, or Justices of Assize, have power to Hear and Determine these Offences, in their General and open Sessions, within the Limits of their Commissions, and to make Process for the Execution thereof, as they may do against any being Indicted before them of Trespass, or lawfully Convicted thereof. And every Arch-Bishop, and Bishop, within his Diocese, may Join and Associate himself at his pleasure, with the said Justices, at the Inquiry, Hearing and Determining of the Offences aforesaid.

VII. None to be Questioned for any Offence against this A&, unless they be thereof Indicted at the next General Sessions, to be holden before any such Justices, as aforesaid, next after the Offence Committed.

VIII. Lords of Parliament, for the Third Offence above mentioned, shall be Tryed by their Peers, before such Peers, (of

(of English Blood) of this Realm, as the Lord Deputy or other Governor or Governors of this Realm shall Commissionate under the Broad Seal.

IX. The Mayor of *Dublin*, and all other Head Officers of Corporations, within this Realm, to which Justices of the Peace or of Goal delivery, or Assize, do not commonly come, shall have power to Hear and Determine the Offences aforesaid yearly, within 15 days after *Easter* and *Michaelmas*, in like manner as the said other Justices may do.

X. Also all Arch Bishops, Bishops, and every of their Chancellors, Commissaries, Arch-Deacons, and other Ordinaries, having any peculiar Ecclesiastical Jurisdiction, shall have power to Inquire in their Visitations, Synods and elsewhere, within their Jurisdictions, of the Offences above mentioned; and to punish the Offenders, by Censures of the Church, howbeit none shall be punished Twice for one Offence, *viz.* both by the Ordinary and the Justices.

XI. Such Ornaments of the Church, and of the Ministers thereof, shall be retained and be in use, as was in the Church of *England*, by the Statute of the 2 & 3. E. 6. Cap. 1 until the Queen shall take other Order, by the Advice of Her Commissioners, to be Appointed under the Great Seal of *England* or of this Realm, for Causes Ecclesiastical, or by the Lord Deputy, or other Governor or Governors of this Realm, with the Advice of the Council, under the Great Seal thereof. And if there shall happen any Contempt or Irreverence to be used in the Ceremonies or Rites of the Church, by mis-using the Ceremonies appointed in the Book of Common Prayer, the Queen, by like Advice of Her Commissioners or the Lord Deputy, &c. with like Advice of the Council, may Ordain such further Ceremonies or Rites, as may be most for God's Glory the Edifying of this Church, and the due Reverence of Christ's Holy Mysteries and Sacraments.

XII. All other Laws, Statutes and Ordinances, wherein, or whereby any other Services is Limited to be used within this Realm shall be void.

XIII. In every Church or Place within this Realm, where the Common Minister or Priest hath not the use or knowledge of the English Tongue, it shall be lawful for him to say and use the Mattens, Evening Song, Celebration of the Lords Supper, and Administration of each of the Sacraments, and all their Common and open Prayer in the *Latine* Tongue, in such Order and Form, as they be mentioned and Sett forth in the said Book, Established by this Act, and according to the Tenor of this Act, and in no other manner.

13. & 14. *Stat. 17 & 18. Car. 2. Sess. 5. Cap. 6.* All Ministers in any Cathedral, Collegiate or Parish Church, or Chappel or other Place of Publick Worship, within this Realm, shall be bound to say and use the Morning Prayer, Evening Prayer, Celebration and Administration of both the Sacraments, and all other the Publick and Common Prayer, in such Order and Form, as is mentioned in the said Book, Annexed and Joined to this present Act, and Intituled. *The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of Ireland, together with the Psalter or Psalms of David, Pointed as they are to be Sung and said in Churches; and the Form and Manner of Making, Ordaining and Consecrating of Bishops, Priests and Deacons.* And that the Morning and Evening Prayers, therein Contained, shall, upon every Lord's day, and upon all other days and Occasions, and at the times therein appointed, be openly and solemnly Read, by all and every Minister and Curate in every Church, Chappel, or other Place of publick Worship, within this Realm.

XV. A Clause, that every Parson, Vicar or other Minister, then Enjoying any Ecclesiastical Promotion, should, upon some Lord's day, before the 25th day of March, 1667. openly Read the Morning and Evening Prayers, &c. and Declare his Assent, &c. or else to be *Ipsa factio* Deprived.

XVI. And every person who shall be Presented or Collated, or put into any Ecclesiastical Benefice or Promotion within this Kingdom, shall, in the Church, Chappel or Place of publick Worship belonging to the said Benefice, &c. within 2 months next after he shall be in the actual Possession thereof upon some Lord's day, Openly Publickly and Solemnly Read the Morning and Evening Prayers, Appointed to be Read by, and according to the said Book of Common Prayer, at the times thereby appointed; and after such Reading thereof, shall openly and publickly, before the Congregation there Assembled, Declare his unfeigned Assent and Consent to the use of all things therein contained and prescribed, in these Words and no others.

**I**A. B. Do hereby Declare my unfeigned Assent and Consent, to all and every thing Contained and Prescribed in, and by the Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of Ireland; together with the Psalter and Psalms of David, pointed as they are to be Sung or Said in Churches, and the Form and manner of Making, Ordaining and Consecrating of Bishops, Priests and Deacons.

XVII. And all and every such persons who shall (without some lawful Impediment to be Allowed and Approved by the Ordinary of the Place) Neglect or Refuse to do the same, within

within the time aforesaid (or in case of such Impediment) within one month after such Impediment Removed, shall *Ipsa factio*, be Deprived of his said Ecclesiastical Benefits, &c. and that from thenceforth, it shall be lawful for all Patrons and Donors of the same, to Present or Collate thereunto, as though the persons so Offending or Neglecting were Dead.

XVIII. In all Places where the proper Incumbent of any Parsonage or Vicarage, or Benefice with Cure, doth Reside on his Living, and keeps a Curate, the Incumbent himself in person, (not having some lawful Impediment to be allowed by the Ordinary of the Place) shall once at the least, in every month, openly and publickly, Read the Common Prayers and Service, in and by the said Book Prescribed; and if there be occasion, Administer each of the Sacraments and other Rites of the Church, in the Parish Church or Chappel of, or belonging to the said Parsonage, &c. in such Order as by the said Book is appointed, upon pain to Forfeite 5 pounds, to the use of the Poor of the Parish, for every Offence, upon Conviction, by Confession or Proof of 2 credible Witnesses, upon Oath before 2 Justices of the County, City or Town Corporate, where the Offence shall be Committed (which Oath they may Administer) and in Default of Payment within 10 days, to be Levyed by Distress and Sale of the Offenders Goods and Chattels, by Warrant of the said Justices, by the Church-Wardens or Overseers of the Poor of the said Parish, Rendring the Overplus to the Party Offending.

XIX. And every Dean, and other Dignitary, Cannon, Prebendary and Warden, of every Cathedral or Collegiate Church, and all Ministers, and other Heads, Fellows Chaplains or Tutors, in any College, Hall, House of Learning or Hospital, and every publick Professor and Reader, in any Universities, College or Colleges, which shall be within this Realm, and every Parson, Vicar, Curate, Lecturer, and every other parson in Holy Orders, and every School-master, keeping any publick or private School, and every person Instructing and Teaching any Youth in any House, or private Family, as a Tutor or School-master, which at any time shall be Incumbent, or have Possession of any the said Preferments, shall at or before his or their respective Admissions, to be Incumbent, or have Possession of any the Dignities, &c. aforesaid, Subscribes the Declaration or Acknowledgment following, *Scilicet*.

**I** A. B. Do Declare that it is not lawful upon any pretence whatsoever, to take Arms against the King. And that I do Abhor that Traiterous Position, of taking Arms by his Authority against His Person, or against those that are Commissioned by Him, and that I will Conform

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*Conform to the Liturgy of the Church of Ireland, as it is now by Law Established.*

**XX.** Which said Declaration and Acknowledgment, shall be Subscribed by every of the said Masters, and other Heads, Fellows, &c. which are or shall be within this Kingdom, before the Vice-Chancellor, or Visitor or Visitors thereof, or his or their Deputies, and before the respective Arch-Bishop, Bishop or Ordinary of the Diocess, by every other person hereby enjoined to Subscribe the same, upon pain that all and every the persons aforesaid, failing herein, shall lose and forfeit such his respective Dearly, Dignity, &c. and shall be utterly disabled, and be *Ipsa facta*, deprived of the same, and the same to be void, as if he were Naturally Dead.

**XXI.** Every School-master or other person, Instructing Youth, in any private House or Family, as a Tutor or School-master, are required by the Act to take the Oath of Allegiance and Supremacy, to be Administred by the Ordinary (but these Oaths now are Abrogated and taken away, and others appointed to be taken in their steads, the Form of which see here before, Tit. *Oaths*, s. 4. & 7.) And if any such School-master or other person Instructing Youth, shall Instruct any Youth, as a Tutor or School-master before License obtained from his respective Arch-Bishop, Bishop or Ordinary of the Diocess, for which he shall pay 12 pence only, and before such Subscription and Acknowledgment made, and taking the Oaths as aforesaid, then every such School-master, &c. shall for the First Offence suffer 3 months Imprisonment, whithout Bail or Mainprize, and Forfeit 5 pounds to the King.

**XXII.** After such Subscription made, every Parson, Vicar, Curate and Lecturer, shall procure a Certificate, under the Hand and Seal of the respective Arch-Bishop, Bishop and Ordinary of the Diocess (who are Injioned upon Demand, to make and deliver the same) and shall publickly and openly Read the same, together with the Declaration or Acknowledgment aforesaid, upon some Lord's day, within 3 months then next following, in his Parish Church where he is to Officiate, in the presence of the Congregation there Assembled, in the time of Divine Service, upon pain to lose such Parsonage, Vicarage, &c. and be disabled, and *Ipsa facta* deprived thereof, and the same to be void, as if he were Naturally dead.

**XXIII.** After the 25th day of *March*, 1682, Those words in the Declaration [which see in the Statute at large] about the Solemn League and Covenant, are to be left out, and none to be obliged to read that part.

**XXIV.** A Proviso that after the 29th of *September*, 1681, no person then Incumbent, and in possession of any Par-

*sonage,*

sonage, Vicarage, or Benefice, and not in Holy Orders by Episcopal Ordination, [or not before the said day Ordained Priest or Deacon, according to the Form of Episcopal Ordination] should have, hold, or enjoy the same, or other Ecclesiastical Promotion within this Kingdom, but be disabled, and *Ipsa facta* deprived thereof, and the same to be void as if he were Naturally dead.

**XXV.** No person whatsoever shall be capable to be admitted to any Parsonage, Vicarage, Benefice, Promotion, or Dignity whatsoever; nor shall presume to Consecrate and Administer the Holy Sacrament of the Lord's Supper, before he be Ordained Priest, according to the Form in and by the said Book prescribed, upon pain to forfeit for ever Offence 100 Shillings, one Moyety to the King, and the other Moyety to be equally divided between the poor of the Parish where the Offence is committed; and such as will Sue for the same in any of the King's Courts of Record, by Action, of Debt, &c. wherein no Essoin, &c. shall be allowed; and to be disabled from taking, or being Admitted unto the Order of Priest, by the space of one whole year then next following.

**XXVI.** No Title to present or confer by Lapse shall accrue by any avoidance or Deprivation *ipso facto* by vertue of this Act; but after six Months notice thereof given by the Ordinary to the Patron, or such Sentence of Deprivation openly and publickly read in the Parish Church of the Benefice, Parsonage, or Vicarage, becoming void.

*V. e. Dyer s.  
369. b. pl.  
54*

**XXVII.** No Form or Order of Common Prayers, &c. shall be openly used in any Church, Chappel, or other publick place in any College or Hall, in any University College or Colleges within this Realm, or any of them, other than what is appointed to be used by the said Book. And the then present Governoour, or Head of every College and Hall, &c. within one Month after the 29th of September, 1667. And every Governoour or Head of any the said Colleges or Halls hereafter to be Elected or appointed, within one Month next after his Election, or Collation and Admission into the same Government or Headship, shall openly and publickly in the Church, Chappel, or other publick place of the same College or Hall, and in the presence of the Fellows and Scholars of the same, or the greater part of them then resident, subscribe the 39 Articles of Religion, agreed upon by the Arch-Bishops and Bishops, and the whole Clergy in the Convocation holden at London in the Year of our Lord, 1562. and unto the said Book; and declare his unfeigned Assent and Consent unto, and Approbation of the same, and of the same Book; and to the use of all the

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Prayers, Rites, &c. in the said Book contained according to the Form aforesaid: And that all such Governors, &c. as shall be in Holy Orders, shall once at least in every Quarter of a year (not having a Lawful Impediment) openly and publickly read the Morning Prayer and Service appointed by the said Book to be Read in the Church, Chappel, or other publick place of the said College or Hall, upon pain to be suspended from all the profits and benefits belonging to the same Government or Headship, by the space of six Months, by the Visitor or Visitors of the same College or Hall. And if any Governour, &c. suspended for not subscribing unto the Articles and Book, or for not reading of the Morning Prayer and Service aforesaid, shall not before the end of six Months next after such Suspension, subscribe his consent, and Read as aforesaid, such Government or Headship shall be *ipso facto* void; provided that the Penalties in this Act shall not extend to the Foreigners, or Aliens, of the Foreign Reformed Churches, to be allowed by the King, His Heirs and Successors in this Kingdom.

**XXVIII.** It shall be lawful to use the Morning and Evening Prayer, and all other Prayers and Services, prescribed in the said Book, in the Chappels, or other publick places of any Colleges, Halls, or Universities, within this Kingdom, and in the Convocation of the Clergy in Latin.

**XXIX.** No person shall be received as Lecturer, or allowed to preach or read any Sermon or Lecture as Lecture, in any Church, or Chappel, or other place of publick Worship, within this Realm, unless he be first approved, and thereunto Licensed by the Arch-Bishop of the Province, or Bishop of the Diocese; or in case the See be void, by the Guardian of the Spiritualities under his Seal; and shall in their presence read the 39 Articles of Religion above mentioned, and declare his unfeigned Assent to the same. And every person who shall be Licensed as Lecturer to Preach upon any day of the Week in any Church, &c. within this Realm, the first time he Preacheth, before his Sermon, shall openly, publickly, and solemnly read the Common Prayers and Services appointed by the said Book to be read for that time of the day; and then, and there openly declare his Assent unto, and Approbation of the said Book, and to the use of all the Prayers, &c. according to the Form before appointed by this Act: and also shall upon the first Lecture day of every Month afterwards (so long as he continues Lecturer or Preacher there) at the place appointed for his Lecture or Sermon, before his said Lecture or Sermon, read as aforesaid, and declare his Assent in like manner as aforesaid; and upon neglect or refusal thereof, shall be from thenceforth disabled to Preach the said or any other Lecture or Sermon,

in

in the said or any other Church, &c. until such time as he shall openly, &c. perform the same.

XXX. If the Sermon or Lecture be to be Preached or Read in any Cathedral or Collegiate Church or Chappel, it shall be sufficient for the Lecturer openly at the time aforesaid, to declare his Assent and Consent to all things contained in the said Book, according to the Form aforesaid.

XXXI. And if any person who is by this Act disabled to Preach any Lecture or Sermon, shall during such time Preach any Sermon or Lecture, the persons so offending shall for every such Offence suffer three Months Imprisonment in the common Goal, without Bail or Mainprize; and any two Justices of the Peace of any County of this Kingdom, and the Mayor or other Magistrate of any City or Town Corporate within the same, upon Certificate from the Ordinary of the Place, made to him or them of the Offence committed, shall, and are required to commit the person or persons to the Goal of the same County, City, or Town Corporate accordingly.

XXXII. Provided that all times when any Sermon or Lecture is to be Preached, the Common Prayers and Service appointed by the said Book, to be Read for that time of the day, shall be openly, publickly, and Solemnly Read, by some Priest or Deacon, in the Church, &c. where the said Sermon or Lecture is to be Preached; before the same be Preached, and that the Lecturer then to Preach shall be present at the Reading thereof.

XXXIII. But this Act shall not extend to the Chappels in the Universities, College or Colleges of this Realm, or any of them, when any Sermon or Lecture is Preached or Read in the said Chappels, or any of them, as the publick University Sermon or Lecture, but the same may be Preached or Read in such sort and manner as the same have been heretofore Preached or Read in the said University or College.

XXXIV. The Law and Statute of this Realm which hath been formerly made, and is in force for the Uniformity of Prayer and Administration of the Sacraments within this Realm, shall stand in full force and strength to all intents and purposes whatsoever, for the establishing and confirming of the said Book, Intituled, *The Book of Common Prayer*, &c. herein before mentioned, to be joyned and annexed to this Act; and shall be applied, practised, and put in use for the punishing of all Offences contrary to the said Law, with relation to the Book aforesaid, and no other.

XXXV. Enacted that in all those Prayers, Litanies, and Collects, which do any way relate to the King, Queen,

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Royal Progeny, or the Lord Lieutenant, or other Chief Governor or Governors of this Kingdom, the Name and Titles be altered and changed from time to time, and fitted to the then present occasion, according to the direction of Lawful Authority.

**XXXVI.** Provided a true printed Copy of the said Book, Intituled, *The Book of Common Prayer, &c.* shall at the cost and charge of the Parishioners of every Parish Church and Chappelry, Cathedral Church, College, Collegiate Church, and Hall, be gotten before the 29th day of September, 1667. upon pain of Forfeiture of 3 Shillings Sterling by the Month, for so long as they shall be then after unprovided thereof, by every Parish or Chappelry, &c. making default therein, the said Forfeitures to be Levyed by the Church-Wardens, and employed for the reparation of the Church, and relief of the Poor.

**XXXVII.** The 36th Article of the 39 Articles being in these Words following, *viz.* ‘ That the Book of Consecration of Arch-Bishops and Bishops, and Ordaining of Priests and Deacons, lately set forth in the time of K. E. 6. and confirmed at the same time by Authority of Parliament, do contain all things necessary to such Consecration and Ordaining; neither hath it any thing that is of it self superstitious and ungodly. And therefore whosoever are Consecrated or Ordered according to the Rites of that Book, since the Second year of the aforesaid K. E. 6. unto this time; or hereafter shall be Consecrated or Ordered according to the same Rites, we decree all such to be rightly Ordered, and lawfully Consecrated and Ordered.

**XXXVIII.** Enacted that all Subscriptions to be had, or made unto the said Articles by any Deacon, Priest, or Ecclesiastical person, or other person whatsoever, who by this Act, or any other Law in force, is required to subscribe to the said Articles, shall be taken to extend, and shall be applied for and touching the said 36th Article, unto the Book containing the Form and Manner of making, Ordering, and Consecrating of Bishops, Priests, and Deacons in this Act mentioned, in such sort and manner as the same did heretofore extend unto the Book set forth in the time of K. E. 6. mentioned in the said 36 Article.

## Union.

**I. Stat. 10, & 11. Car. I. Sess 4. Cap. 2.** Where there are within one Parish both a Parson and a Vicar endowed and in some places more, in this Kingdom of *Ireland*, there it shall be lawful for the Bishop of the Diocese, and Metropolitan of that Province within which they are situate, by their Writing under their Archiepiscopal and Episcopal Seals,

to unite and consolidate all such, being within one Parish (other than such Parsonages or Vicarages as are annexed to any Dean, Prebendary, or Dignity in any Cathedral Church) into one entire Parsonage, or Rectory, or Benefice. But if at that time they be full of Incumbents, then every of the said Incumbents may hold and retain to their own use their respective Parsonages and Vicarages, and all the profits thereof, so long as they live, and continue lawful Incumbents thereof; and upon the death, resignation or deprivation of one or more of such Incumbents, then such Benefice to remain and accrue to the Survivors of such Incumbents, and after such Survivors coming into one hand, then to continue one whole and entire Rectory and Parsonage, or Benefice, according to the Union and Consolidation as aforesaid, to such surviving Parson and his Successors for ever.

II. And from thenceforth, if there be several Patrons, then a Valuation shall be made thereof, by Commission to be granted out of the Exchequer at the proportionable charge of the Patrons, And if such Parsonages, Vicarages, and Benefices appear to be of equal value or more, and none of them to be double in value to any one of the rest, then the Patron whose Clerk did first die, shall present to the first Avoidance, and the other to the second, and so afterwards the said Patrons, their Heirs, Successors, and Assigns, shall thenceforth for ever present by turns, And if any one or more of the said united Benefices be less in yearly value than a fourth part of any other of the said Benefices, then the Patronage of such to be extinct, and the Advowson and Advowsons to remain unto the other Patron and Patrons solely. And if any one or more of them be in yearly value a full fourth part or more of the greatest of them, but under a Moiety, then the Patron of the said greatest Benefice, to have two Presentations, and the Patron or Patrons of the lesser Benefices, to have one Presentation only in their several turns, in manner and form as is above expressed. And that such Commission so executed, and returned into the Court of Exchequer, shall be final and peremptory to all Patrons, their Heirs and Successors for ever.

## Uses.

I. Stat. 10. Car. 1. Sess. 2. Cap. 1. Where any person or persons stand, or be seized of, and in any Honours, Castles, Mannors, Lands, Tenements, Rents, Services, Reversions, Remainders, or other Hereditaments, to the use of any other person or Persons, or of any Body politick, by reason of any Bargain, Sale, Feoffment, Fine, Recovery, Co-  
venant  
27. H. 8.  
Cap. 10.  
Engl. ve.  
Co. 1. Rep.  
fo. 162. 7.  
Rep. fo. 41.

8 Rep. fo.  
94. 9 Rep. fo. 1. 11.  
Rep. fo. 24.  
**Leoni Rep. fo.** 14. 258.  
2. Rep. fo.  
6. 15. Cro.  
**El. fo.** 46.  
**pl. 2. 721.**  
pl. 50. Cro.  
**Car Sm. pr. fo.** 78. Bro.  
**Conscience** 25. **Feoffments al. uses** 55. 56. 58. **Plow. fo.** 111. 298, 346. **Dyer fo.** 155, 235, 270. 309, 361. **Hob. Rep. fo.** 23. **Co. Lit.** 187. b. 237. a. 272. a. 287. a. **Moo. Rep. fo.** 859. pl. 1180. **Anders. 1. Rep. fo.** 337. **Cro. Jac. fo.** 6. 401. **Pop. Rep. fo.** 78, 79.

**Ve. Hob.** II. When divers persons be so jointly seized, of and in any Lands, &c. to the Use or Trust to any of themselves, then they amongst them that have any such Uses or Trust, in any such Lands, &c. shall have, be Deemed and Adjudged to have only to him or them, that have such Use or Trust, such Estate, Possession, and Seisin, in the same Lands, &c. in like manner and form, &c. as they had before the Use or Trust of the same Lands, &c.

**Ve. Dyer.** III. Saving to all others (other than the persons so seized of any Lands, Tenements, &c. to any Use or Trust) all such Right, Title, &c. as they had before the making of this Act: And saving also to such persons as are seized to any Use, all former Right, Title, &c. to any Mannors, Lands, &c. whereof they be seized to any other Use, as if this present Act had never been made.

**Roll. fo.** pl. 345. 2. 105, 245. **Anders. 1. Rep. fo.** 84. **Cro. Jac. fo.** 643. pl. 3.

**Ve. Anders.** IV. Where any be seized of, and in any Lands, &c. in Fee Simple, or otherwise, to the use and intent that another, or others, shall have one or more yearly Rent or Rents, out of the same for Life or Years, or for some other special time: In every such case the same persons, their Heirs and Assigns that have such Use and Interest, to have and receive any such Annual Rents, shall be Adjudged to be in the possession and seizing of the same Rent, and in such like Estate as they had in the Title, Interest, or Use, of the said Rent; and as if they had a Grant or Conveyance made to them thereof, by those who are seized to the said Use; and shall distrain for Non-payment of the said Rent in their own Name, and make Avowries, Cognizances, and Justifications, by their Bailiffs and Servants; and have all other Sutes, Entries and Remedies, for such Rents.

Rents, as if the same had been really and actually Granted to them.

V. Where divers persons have purchased, or have an Estate *Ve. Dyer.* made and conveyed of and in divers Lands, &c. unto them, fo. 61, 97, and to their Wives, and to the Heirs of the Husband or to the 220a. 228. Husband, and to the Wife, and to the Heirs of their two a. b. 230. Bodies begotten, or to the Heirs of one of their Bodies be- a. 248. a. gotten; or to the Husband, and to the Wife, for Term of 266.a. 317. their Lives, or for Term of the Life of the said Wife. Or a. 340. Co. where any such Estate or Purchase of any Lands, &c. is made Lit fo. 36. to any Husband, and to his Wife, in manner and form as a. b. 4. Rep. above expressed, or to any other person or persons, and to their fo. 1, 2, 3, Heirs and Assigns, to the use and behoof of the said Husband 4, 5, 13. and Wife, or to the use of the Wife for her Joyniture; Rep. fo. 48 in every such case, every Woman married, having such Joyn- Co. pl. fo. ture made, shall not claim or have any Dower of the Residue of 171, 172. the Lands, &c. of her Husband's, by whom she hath any such *Moo. Rep.* Jointure, nor against them that have the Lands and Inheri- fo. 28. pl. fo. tances of her said Husband. But if she have no such Joyniture, 91. Cro. then she may demand her Dower by the course of the Com- *Jac. fo.* mon Laws of this Realm. And upon Expulsion or Eviction of 113, 474. such Joyniture, or any part thereof without Fraud, then the pl. 47. Sid. shall be endowed of as much of the residue of her Husband's Rep. fo. 3. Lands and Tenements whereof she was before Dowable, as the *Flow. Com.* same Lands and Tenements so evicted and expulsed do amount fo. 44. a. b. 45. a.

307. a 396. b. 47. a. b. *Ve. Moo. Rep. fo. 717. pl. 1002.*

VI. Such a Joyniture being made after Marriage, the Wife, if *Ve. Dyer.* she over-lives her Husband, may after her Husband's Death fo. 317. *fo.* refuse the same, and demand and take her Dower out of her Com. fo. Husband's Lands, Tenements and Hereditaments, unless the 396. b. Co. said Joyniture were made to her by Act of Parliament. Lit. fo. 36. b. 4. Rep. fo. 1, 2, 3, &c. *Dyer. fo. 61. pl. 30, 248. pl. 78, 317. pl. 7. Iop. Rep. fo. 88.*

VII. Provided that this Act shall not extend to Extinguish, Release, Discharge, or Suspend any Statute, Recognizance, or other Bond, by the Execution of any Estate settled by force of this Act.

VIII. All manner of true and just Wills heretofore made by *Ve. Dyer.* any person or persons Deceased, or hereafter to be made before fo. 343. a. the first day of May, 1635, of any Lands, Tenements, or o- pl. 54. ther Hereditaments, shall be good in Law in such manner as they were commonly taken and used at any time within 40 years next before the making of this Act.

IX. The King shall not take advantage by occasion of the *Ve. Co.* Executing of any Estate by Authority of this Act, before the *Rep. Lib. 6* First day of May 1635, viz. By having or demanding any *Primer fo. 27. b. Seifin, 28. a.*

## Uses. Usury.

*Seisin, Livery, Ouster le Main, Fine for Alienation, Relief, or Herriot:* But after that time, Fines for Alienations, Reliefs, and Herriots, shall be paid to the King; and also Liveries and *Ouster le Mains* shall be used for Uses, Trusts, and Confidences, which shall be from thenceforth made and Executed in Possession by force of this Act; neither shall any other Lord demand or take any Fine, Relief, or Herriot, by occasion of this Statute before the said First day of May, 1635.

X. All and singular person and persons, and Bodies politick, which at any time since the said First day of *May*, shall have any Estate unto them Executed, of and in any Lands, Tenements, or Hereditaments, by Authority of this Act, shall and may have, and take the same Advantage, Benefit, Voucher, Aid, Prayer, Commodity, and Profits, by Action, Entry, Condition, or otherwise, to all Intents and Purposes as the person or persons seized unto their Use, of or in any such Lands so Executed, had or might have had at the time of the Execution of the Estate thereof, by the Authority of this Act, against any other person or persons for any Waste, Diffeisim, Trespäs, Condition broken, or any other thing touching the said Lands and Tenements so executed.

XI. Provided that all Recognizances heretofore acknowledged to the King's Use, for or concerning any Recoveries of any Lands, &c. heretofore used, or had by Writ or Writs of Entry upon Diffeisim *in le post*, shall from henceforth be utterly void.

## Usury.

I. *Stat. 10. Car. 1. Sess. 2. Cap. 22.* None shall directly or indirectly take for the Loan of any Moneys, Ware, Merchandise, or other Commodities whatsoever, above the value of 10. Pounds for the forbearance of 100 Pounds for a Year; and so after that rate for a greater or lesser Sum, or for a longer or shorter time.  
*37. H. 8. Cap. 9. 13. El. Cap. 8. Engl. ve. Co. 3. Inst. fo. 151. 5. Telver Rep. 30. 31. Dyer. fo. 346. Noyes Rep. fo. 151.*

*Ve. Cro. El. fo. 25. pl. 3. 241 583. pl. 22, 23, 642, 643. Co. 5. Rep. fo. 69. a. b. 70. a. b. 95. a. b. Mer-*  

II. All Bonds, Contracts, and Assurances whatsoever, made for any Principal Money to be Lent, or Covenanted to be performed for any Usury above 10 Pounds in the 100, as afore-  
*Rep. fo. 69. a. b. 70. a. b. 95. a. b. 344. b. 347.* means whatsoever, shall take, accept, and receive for the forbearing or giving day of Payment for one whole year for their  
*Dyer. fo. 100. Pounds for one year, and so after that rate for a greater or lesser Sum, or for a longer or shorter time;* shall forfeit  
*Mer-* for every such Offence the treble value of the Moneys, Wares,

Merchandise, or other things so Lent, Bargained, Sold, Ex-  
changed, or Shifted.

a. Moo.

Rep. fo:

397. pl. 520. 2. Roll. fo. 398. Hob. Rep. fo. 72. Bulster. I. Rep. fol. 17. 2.  
Rep. fo. 34. Cro. Fac. fo. 24. 32. 210. pl. 2. 252, 253. pl. 7; 440. pl. 13.  
507; 508. pl. 20; 677, 678. pl. 14. Co. 12. Rep. fo. 69.

Ve. Cro. El.

j. 138. pl.

13.

III. Every Scrivener, Broker, Sollicitor, and Driver of  
Bargains, who shall take or receive directly or indirectly any  
Sum of Money, or other Reward or thing for procuring the  
Loan or forbearing of any Sum or Sums of Money above the  
rate or value of 5 shillings for the Loan or forbearing of 100  
Pounds for a Year, and so ratably; or above 12 Pence for  
making or renewing of the Bond or Bill concerning the same,  
shall forfeit for every such Offence 20 Pounds, and have Impris-  
onment half a year, one Moyety of all Forfeitures to be to the  
King, His Heirs and Successors, and the other Moyety to him or  
them that will Sue for the same, in the same County where  
the several Offences are committed, and not elsewhere, by Action  
of Debt, &c. wherein no Essoyn, &c. shall be allowed.

IV. Provided that no words in this Law contained; shall be  
construed or expounded to allow the practice of Usury in point  
of Religion or Conscience.

V. One Statute made in a Parliament holden at Westminister;  
3. H. 7. and other Statutes concerning Usury, of Force in this  
Kingdom before the making of this Act; shall be from hence-  
forth Repealed; and of none Effect.

## Wears.

I. **S**TAT. 18. H. 8. Cap. 22. It shall be lawful for  
every of the King's Subjects within this Land, go-  
ing in company of any Sheriff or Seneschal, of a-  
ny of the Counties of Kildare, Catherlough, Wexford,  
Kilkenny, Waterford, and Tipperary, to prostrate and break all  
Wears, Purprestures, Engines, Streights; and other like Ob-  
stacles, made in the Rivers or Waters of Barrow the Noyre,  
the Suyr, and the Rye, within this Realm; and to make a con-  
venient Gap or Place through which Boats, Scouts, Wherries,  
Claraus, Cotts and other Vessels, may pass and repass in and  
thorough every Mill-pond made, or to be made, in any of the  
said Rivers or Wears; and every one resisting such prostrat-  
ing, &c. shall forfeit 5 Pounds for every time, one Moyety to  
the King, and the other to the Party that will Sue for the  
same in any of the King's Courts, by Action of Debt, &c.  
wherein no Essoyn, &c. shall be allowed.

II. The Sheriff of any County, and the Seneschal of any Li-  
berty, wherein such Wears, &c. in any of the said Rivers or  
Waters is, or shall be made, or Mill-pond where there is no  
Gap, as aforesaid, upon knowledge or complaint thereof, shall

from time to time, taking with him (if Sheriff) the power of the County ; and (if Seneschal) the power of the Liberty ; go in person to every such place where any such Obstacle is in any of the said Rivers and Waters, or Mill-pond ; and prostrate and break the same, as aforesaid, in pain of 10 Pounds, one Moyety to the King, and the other to the party that will Sue for the same, as aforesaid : And if any persons dwelling within such County, or such Liberty, refuse (being lawfully Summoned) to go and assist such Sheriff and Seneschal in the performance thereof, he shall forfeit 10 pounds, one half to the King, and the other half to such Sheriff or Seneschal that will Sue for the same, as aforesaid.

III. No Persons, Bodies Politick or Corporate, within this Land, by themselves or their Constables, Farmers, Officers or Servants, shall take or receive any thing, for Bank-Fees, or any other Duty of any Boat, &c. or any other Vessel whatsoe'er it be, Passing or Re-passing in any of the said Rivers or Waters, nor of any Boat or Vessel, wherein any persons do Fish in any of the said Rivers or Waters, so far as the Salt water doth Ebb and Flow therein, in any of the said Rivers or Waters, nor of the Owners of any Goods, Merchandises, Virtual or Stuff, then being in such Cott, &c. nor of any the Mariners, Boatmen, and other Rulers and Conveyers of the same ; but peaceably permit them in, upon and through the said Rivers and the Land adjoining to the same : And that they and such persons as come in the Aid and Help of them, at such time as it's thought necessary, shall have the space and breadth of 7 Eoot or more, (as need requires) of plain Ground upon every part of the Land, of every side of the said Rivers and next adjoining to the same, where they must Draw the said Boats, &c. with strength of Horses or Men by Land, (unless there be at the making of this present Act, a Castle, Fortress, Orchard or Garden, upon such Land so adjoining) so far as the said Rivers or Waters have their Course, for the Drawing, Loading and Conveying of the same Boats, &c. without any Lett or Disturbance of the Possessors or Owners of such Lands, or any person or persons, Bodies Politick or Corporate, upon pain to Forfeit Treble the value, as often as they Offend, of what they take, to the Party Grieved ; and also 10 pounds, one moyety to the King, and the other to the Party that will Sue for the same as aforesaid.

IV. If any Mariner, Boatman, or Ruler, or Conveyor, of any the said Boats, &c. having the Carrying, Freight or Conveying of any Wines, Goods or other Merchandises in any Boats, &c. in or through the said Rivers or Waters, or any Carrying any Wines, Goods or other Merchandises by Land, in any Cart, Wain or otherwise, do draw, Drink, Take, or wilfully perish any Cask or parcel thereof, to them delivered to be Conveyed by Land or Water, as aforesaid, to any Place of

of this Dominion, they shall Forfeit to the Owners thereof, so much Money as they were to have for the Carriage thereof, either by Land or Water, and Treble the value of that thing or things, they shall take, draw, drink, or wilfully perili, and also 5 pounds, one moyety to the King, and the other to the Party that will Sue for the same, as aforesaid.

V. None of the said Mariners or Boatmen, or other persons afore Named, shall take any Sums of Money or other thing, for the Freight or Carriage of any Stuff or Merchandises whatsoever, other than what is Comprized in the Extent thereof made, remaining in the Custody, of the Sheriff of the County of Tipperary, and in such Places where the certainty of their Wages is not Set down, in the said Extent, to take no more than what has been accustomed for them to take, in pain of 13 shillings and 4 pence to the Taker, every time he Offends herein, to be divided between the King and Prosecutor, and to be Sued for as aforesaid.

## Wills.

I. Stat. 28. H. 8. Cap. 18. No Ordinary or other persons having power to Prove any Testament, shall Compel the Husband or Friend of any Woman Covert, to Prove any Testament of her Husbands Goods, or shall take or receive, or cause to be taken or received any Money or other thing for the Proving the Testament of any Woman Covert, or making any Commission of Administration concerning the pretended Goods of any such Woman Covert, unless she be Executor or Administrator to any Testator Deceased, or have cause of Action of which her Husband, after her Death, hath no Remedy by Course of the Common Law, upon pain of 10 pounds Irish, one Moyety to the King, and the other to the Party Grieved, to be Sued for in any of the King's Courts, by Action of Debt, &c. wherein no Essoin, &c. shall be allowed.

II. Stat. 10. Cap. 1. Sejj. 2. Cap. 2. This Statute comprehending the whole Substance of the Statutes of the 32. H. 8. Cap. 1. and the 34. & 35. H. 8. Cap. 5, made in England, in a manner almost Verbatim, It's by those Statutes and this of the 10. Cap. 1. Enacted, That all persons having any Mannors, Lands, Tenements or Hereditaments, holden in Soccage, or of the nature of Soccage Tenure, and not having any such Mannors, Lands, &c. holden of the King by Knights Service, pl. 11, 72. Soccage, Tenure in Chief, or of the nature of Soccage Tenure pl. 2. 127. in Chief, nor of any other person by Knights Service, shall have power to Give, Dispose, Will and Devise, as well by his Last Will and Testament in Writing, as otherwise, by any Rep. fo. Act lawfully Executed in his Life time; all such Mannors, 165. 2. R. Lands, &c. at his Will and Pleasure; and of Mannors, f. 181. 1. Lands, &c. holden in Chief by Knights Services of the King 56. of. 110 R. or any other, Two parts thereof only are Divisable by this Leon. 1. R. Act. And if any hold Mannors, Lands, &c. of the King or fo. 113. B b 2 others

32. H. 8.

Cap. 1. &amp;

34. &amp; 35.

H. 8. Cap.

5. Engl.

Ve. Dyer.

fo. 53. b.

pl. 11, 72.

329. 371.

Bulstr. 1.

Rep. fo.

165. 2. R.

f. 181. 1.

56. of. 110 R.

Leon. 1. R.

fo. 113.

252. 267. others in Chief by Knights Service, and other Manners, Lands,  
 2. Rep. fo. &c. in Soccage, power is given by this Act, to give 2 parts  
 41. 3. Rep. of the said Mannors, Lands, &c. holden by Knights Services  
 fo. 28. 79. and all the whole Lands held in Soccage, with several Clauses  
 405. 274. in the said Act, and savings to the King and other Lords, of  
 276. 4. Rep. Primer Seisin, Relief, Fines for Alienations, Wardship, &c.  
 f. 104. Cro. El. fo. 100. Anders. 1. Rep. fo. 35. 37. Godb. Rep. pa. 17. pl. 29.  
 Co. Lit. fo. 76. a. b. 111. b. 3. Rep. fo. 25. 316. 6. Rep. fo. 16. 76. 8. Rep. fo.  
 25. 26. 84. 85. 163. 171. 9. Rep. fo. 133. 10. Rep. fo. 83. 84. 11. Rep. fo. 24.  
 1. Rep. fo. 25. a. & Moo. Rep. fo. 254. pl. 401. fo. 341. 342. pl. 463. fol.  
 726. 727. pl. 1013. & Dyer. fo. 304.

III. But these Tenures being now taken away by the Statute of the 14 & 15. Car. 2. Sess. 4. Cap. 19. And all Lands now being holden in Free and Common Soccage, the whole Lands are Devisable, tho' formerly perhaps some of the same were held in Chief by Knights Service; I have therefore omitted the further Abridgment of any more Clauses of the said Statute of the 10. Car. 1. above mentioned, and must refer such Readers (as are desirous to know the Extent, or Restriction of the other Clauses therein) to the Statute at large, where they may Satiate their Curiosity.

IV. Stat. 14 & 15. Car. 2. Sess. 4. Cap. 19. It's made lawful for the Father of any Child or Children, under the age of 21 years, and not Married at the time of his Death, or whether Born at the time of his Death, or at that time in *Ventre ja mere*, or whether such Father be within the age of 21 years or of full age, by his Deed Executed in his Life time, or by his Last Will and Testament in Writing, in the presence of 2 or more Credible Witnesses, in such Manner and Form, and from time to time as he shall think fit, to dispose of their Custody and Tuition, for such time as they shall remain under the age of 21 years, or any lesser time, to any person or persons in Possession or Remainder (other than persons out of the Communion of the Church of England); and such Disposition made since the 23d day of October, 1641. or hereafter to be made, shall be good against all persons Claiming the Tuition as Guardians in Soccage or otherwise; and such person or persons to whom the Custody and Tuition of such Child or Children shall be Disposed or Devised as aforesaid, shall and may maintain an Action of Ravishment of Ward or Trespass against any which shall wrongfully take away or detain such Child for the Recovery of such Child or Children, and Recover Damages for the same in the said Action, for the use of such Child or Children.

V. And such persons to whom such Disposition shall be made, may take into their Custody, to the use of such Child or Children, the Profits of all their Lands, Tenements and Hereditaments, and the Custody and Management of all their Goods, Chattels

Chattels and personal Estate, till their respective Age of 21 years, or any lesser time, according to such Disposition aforesaid; and may bring such Actions in Relation thereunto, as by Law a Guardian in Soccage might do.

VI. Stat. 7. Gul. 3. Seff. 1. Cnp. 12. After the Feast day 29. Cap. 2. of the Nativity of St. John Baptist, 1696. all Devises and Bequests of any Lands, Tenements or Hereditaments Devisable, Engl. shall be in Writing and Signed by the party so Devising the same, or some other person in his presence, and by his Express Directions, and Attested and Subscribed in his presence by 3 or more Credible Witnesses, or else they shall be utterly void.

VII. And no Devise in Writing of any Lands, &c. at any time after the said day, shall be Revocable, otherwise than by some other Will or Codicil in Writing, or other Writing declaring the same, or by Burning, Cancelling or Obliterating the same, by the Testator himself, or in his presence, and by his Directions and Consent.

VIII. Any Estate *pur Auter Vie*, shall be Devisable by Will in Writing, Signed by the Party so Devising the same, or other person in his presence, and Subscribe as aforesaid: And if no such Devise thereof be made, it shall be Chargeable in the hands of the Heir, if it shall come to him by reason of a special Occupancy thereof, as Assetts by Dissent, as in Case of Lands in Fee Simple; and if there be no special Occupant thereof, it shall go to the Executors or Administrators of the Party that had the Estate thereof by virtue of the Grant, and shall be Assetts in their Hands.

IX. After the Feast day aforesaid, no Nuncupative Will shall be good, where the Estate thereby Bequeathed shall exceed 30 pounds, that is not proved by the Oaths of 3 Witnesses at least, that were present at the making thereof, nor unless it be proved that the Testator did bid them or some of them, bear Witness that such was his Will, or to that Effect, nor unless it were made in his last Sicknes, and in the House of his or their Habitations or Dwellings, or where the Party had been Resident by the space of 10 days or more, next before the making thereof, Except where such person was surprized or taken Sick, being from his own Home, and Dyed before he Returned.

X. After 6 months passed after the speaking the pretended Testamentary Words, no Testimony shall be received to prove any Will nuncupative, except the said Testimony or the Substance thereof were committed to Writing within 6 days after the making the said Will.

XI. No Letters Testamentary or Probat of any Nuncupative Will, shall pass the Seal of any Court, till 14 days at the least after the Decease of the Testator be fully expired, nor shall any Nuncupative Will be Received to be proved, unless pro-  
cess

cess have first Issued to call in the Widow, or next of Kin to the Deceased; to the end they may contest the same if they please.

XII. And no Will in Writing concerning any Goods or Chattels, or personal Estate, shall be Repealed, nor shall any Clause, Devise or Bequest therein, be altered or changed by Words or Will by word of mouth only, except the same be in the Life of the Testator committed to Writing, and Read to him, and allowed by him, and proved to be so done by 3 Witnesses at the least.

XIII. But notwithstanding this Act, any Soldier being in actual Military Service, or any Mariner or Seaman, being at Sea, may dispose of his Moveables, Wages and personal Estate.

XIV. Nothing in this shall extend to Alter or Change the Jurisdiction or Rights of Proba<sup>t</sup>s of Wills concerning personal Estates, but that the Prerogative Court of the Arch-Bishop of Armagh, and other Ecclesiastical Courts, and other Courts having Right to the Probat of such Wills, shall retain the same Right and Power as they had before in every Respect, subject nevertheless to the Rules and Directions of this Act.

### Wine.

I. Stat. 28. El. Cap. 4. No Denizen or Alien shall Discharge or Land any Wines within this Realm, but only in, and within the Havens of Dublin, Waterford, Cork, Limerick, Drogheda, Galway, Youghal, Carrickfergus, Wexford, Ross in the County of Wexford, Kinsale, Dungarvan, Dundalk, Carlingford, Sligo, and Dingle, Hussey alias Dingle Icoule, and in no other Creek, Port, &c. without License from the Queen or Lord Deputy, or other Governors of this Realm, in pain to forfeit the Wines Landed otherwise, and without License as aforesaid, one half to the Queen, Her Heirs and Successors, and the other half to the Seisor thereof.

II. Provided that this Clause shall not extend to any Ship having such Wines, that shall be forced by Tempest or Enemies to Arrive or Land them in any other Place within this Realm, or that shall by License, as aforesaid, be Appointed or Warranted, so that the Owners of the said Wines, or any for their use, make no Sale thereof within this Realm, other than for Vituals, Repairing of the same Ships or Calking thereof, being necessitated thereunto.

III. Every Tun of Spanish, Levant or Canary Wines, brought into this Realm, by way of Merchandise, in any Vessel whereof any of the Queens Subjects, at the time of the bringing in of the same, shall be true Owner, without any fraud, shall pay to the Queen, Her Heirs and Successors, 40 Shillings of lawful money of England Custom: And for every Tun of French Guyen, Gascoigne or Rocl<sup>e</sup> Wine. 26 Shillings and 8 pence. For every Tun of Spanish Levant or Canary Wines, brought in

as aforesaid, in any Vessel, of which none of the Queens Subjects is real Owner, shall pay 4 Marks. And for every Tun of French Guyen, Gafcoigne and Rocbel Wines 40 shillings, to be taken and received by the Queens Officers of Her Customs in the Havens and Places above Limited, or hereafter to be Appointed for Landing in manner before recited.

IV. Wines Discharged and Laid on Land, the Customs not paid, nor Argeed for with the Custom Officers, or with Consent of the Controller or Surveyor, or one of them in the Custom-house, shall be Forfeited, one moyety of the value thereof to the Queen, Her Heirs and Successors, and the other moyety to him that will Seise or Sue for the same in manner aforesaid.

V. The Lord Deputy or other Governors of this Realm, shall have yearly for the Provision of his or their House, of such Wines so brought in, as aforesaid 20 Tuns free from Custom; and shall also have Power to Grant to every Peer of this Realm, and every Privy Counsellor, from time to time, such quantity of Wines, to be Free from Custom, as he thinks convenient and necessary according to their Degree.

VI. The Lord Deputy or other Governors of this Realm, the Lord Chancellor or Lord Keeper of the Great Seal the 2 Chief Justices of either Bench, the Chancellor and Chief Baron of the Exchequer of this Realm, or 5, 4 or 3. of them, whereof the Lord Deputy or the Lord Chancellor or the Lord Keeper of the Great Seal to be always One, shall have Power by their Discretions yearly to Sett the Prices of Wines, of Tun, Butt, Pipe, Hogshead, Puncheon, Tierce or Rundlets, when Sold in Grofs, and also the Prices when Sold by Retail, in Hilary Term yearly, and at no other times of the year, so that they cause the said Prices to be written, and open Proclamation to be made thereof in Chancery in the Term time, and in such Places where the said Wines shall be sold by Grofs or Retail.

VII. If any persons after such Prices Sett, as aforesaid, do by Fraud, Sell any Wines by Grofs or Retail, contrary to the said Prices, they shall forfeit double the value of the Wine so Sold, for every time, one half to the Queen, and the other half (if the Offence be within a Corporation) to the Chief Magistrate there, for the use of the Corporation; and if out of a Corporation, then to such of the Queens Subjects as will Sue for the same by Original Writ of Debt, Bill, &c. and no Wager of Law, &c. to be allowed.

VIII. Justices of the Peace and Head Officers of Corporations, within the Limits of their Commissions, as well within Franchises as without, may Hear and Determine the Offences against this Act, and punish the Offenders, as the Statute doth appoint.

IX. None to be Punished for Offences against this Act, unless Prosecuted within half a year next after the Offence Committed.

X. Provided that this Act shall not extend to any persons that shall Buy or cause to be Bought any Wines in any the Havens or Places before appointed by this Act, for the Landing thereof, or to be Granted by License; as aforesaid, but that such persons, their Servants and Agents, may Convey the Wines so Bought, by Water or Land, to their Houses or dwelling Places, within this Realm, notwithstanding this Act,

XI. Provided that this Act shall not be prejudicial to any Patentee or Patentees of the Office of Collectorship, Receivership, or Controllership of the said Impost upon Wines, or of the Butlership, or price Wines, but every of them shall enjoy the Benefit of their Patents.

XII. Nor is the Act to be prejudicial to a Lease made by the Queen to *Henry Bronckard Esq*; for a Term of Years unexpired, of the Custom and Subsidy of Wines, due to the Queen before the making hereof.

XIII. Every Merchant bringing Wines to any Port or Haven within this Realm, in manner aforesaid, shall have 4 Months time, next after the Entry made of the Ship and Wines so brought in, for the Payment of the Queens Impost, upon sufficient Bond and Surety to be taken, by the Collector, Controller or Lessee of the said Impost, for the true Payment thereof, at the times and days expressed.

XIV. Provided that this Act shall not be prejudicial to a Lease made by the Queen, to Sir *Nicholas Bagnall, Kt.* for diverse years unexpired, of the Custom and Subsidy of Wines due to Her, within the Port of *Carlingford*, but that he and his Assigns may enjoy the Benefit thereof.

*12. Car. 2. Stat. 17 & 18. Car. 2. Sess. 5. Cap. 19.* None (unless Licensed, as hereafter appointed) shall sell or utter by Re-tail (That is to say) by the Pint, Quart, Pottle or Gallon, or by any greater or lesser Measures) any kind of Wine or Wines, *Aqua vite, Usquebagh, Brandy, Balkan, or other Distilled, Strong-Waters*, to be drank or spent within their Mansion, Houses, or other place in their Tenure or Occupation, or without such Mansion Houses, or such other place in their Tenure or Occupation, by any Colour, Craft or Means whatsoever, upon pain to forfeit for every such Offence, the Sum of five pounds, the one Moyety to the King, His Heirs and Successors, and the other Moyety to him that will Sue for the same, by Action of Debt, &c. and in any of the King's Courts of Record, wherein no Essoin, &c. shall be allowed.

XVI. Commissioners in every County of this Kingdom, from time to time, to be Nominated by the Lord Lieutenant, &c. and Counsel, under the Great Seal, to be chosen out of the Justices of Peace, with such others to be Added to them, <sup>as</sup> the

the said Lord Lieutenant, &c. and Counsel of this Kingdom shall think fit, which Commissioners shall consider of the Ability and Sufficiency of such as shall be Licensed, to Sell or Utter by Re-tail, as aforesaid, any kind of Wine, *Aqua Vite*, &c. And the said Commissioners, or any two or more of them, shall Assemble at such times and at such known places, within the Limits of their Commissions, as they shall think fit, and then and there shall make Choice of such persons, who, as well for their good Behaviour, as for their Abilities and Conveniences of Houses, Furniture and places of Dwelling, as they shall know or be credibly Informed, to be fittest to Sell Wines, &c. taking always special care, that such as they License be persons of good Behaviour and Report; and that they, or any two or more of them, may License such persons, to Sell and Utter by Re-tail, all or any kind of Wine, *Aqua Vite*, &c. in City, Town or other place, within this Kingdom of Ireland, for any Term not exceeding 3 years, from the 29th day of September, preceding the making of such License and no longer.

XVII. And the said Commissioners to be specially Licensed to make such Licenses, and that every such Re-tailer, shall pay to the King's use, such Sum as shall be Agreed to be paid for such License, so as none do pay less than 40 shillings yearly, and that none be compelled in the City and County of the City of Dublin, to pay more than 40 pounds yearly; and in all other Cities, Towns Corporate, and other places, as well within as without Franchises and Liberties in this Kingdom, more than 20 pounds yearly; and that every such Re-tailer of *Aqua Vite*, &c. to pay as shall be Agreed upon, so as none do pay less than 10 shillings yearly, and none shall be compelled to pay more, in the City and County of the City of Dublin, than 10 pounds yearly, and in all other Cities, &c. more than five pounds yearly by two several equal payments, the First thereof to be made before the person so to be Licensed, take out his License, and the Second Payment to be made at the end of six months after the Date of such License, to the Hands of the Collectors to be appointed in every County for that purpose by the Commissioners of such County or any 3 or more of them, of which Collectors they or any two or more of them, are to take Recognizances with good Security, with Condition for Payment, duly into the Receipt of the King's Exchequer, all such Moneys as shall be Received by him, in respect of the said Licenses: And if the said Recognizances become Forfeited, the Commissioners are to Return them into the Exchequer: They are also to take Bonds of the Parties Licensed for their second Payments.

XVIII. And the said Collectors shall Attend every Commission and Session of the said Commissioners, as well to make Licenses and Recognizances, and to Enter the Names of the Parties Licensed into a fair Book, as also to receive such Monies as shall then Accrue to the King; and the said Sums to Enter

into the said Book, which Book, at the end of every Sitting shall be Signed by the Hands of two of the Commissioners at the least, and shall be Returned together with such Moneys as shall be received into the Exchequer by the said Collectors; That is to say, the First Payment of the said Monies, by the end of *Michaelmas* Term, or 30 days after yearly; and the Second Payment by the end of *Easter* Term, or 30 days after yearly: And the said Bonds to remain in the Collectors Hands, and not to be Returned into the Exchequer, but in case of failure of Payment, at any the days Limitted, and if the said Commissioners or any of them, or the said Collectors or any of them, shall Conceal the Names of any persons so Licensed, or any Sum or Sums of Money received for the same, or any of the said Recognizances or Bonds, the Parties so Offending, shall for every such Offence, forfeit 20 pounds *Sterling*.

**XIX.** The Collectors may receive two shillings for every year, which shall be comprised in such Licenses, for Selling of Wines, and 12 pence for every year which shall be comprised in the Licenses for Selling Strong-waters, as aforesaid, and no more, over and above the Sums Agreed to be paid by the Parties Licensed, to be Distributed by the Commissioners to their Clerk and the said Collectors, in such proportion as they shall think fit; and the said Collectors shall neither directly or indirectly, Exact or Receive of any to be Licensed as aforesaid any Money, Fee or Reward, for the said Recognizance, License or Acquittance, other than as aforesaid, in pain of 10 pounds *Sterl.* and to lose their Office: And none of the said Commissioners shall directly or indirectly, take any Money, Fee or Reward, of any of the said Re-tailers, concerning the Obtaining of License, in pain of 40 pounds *Sterling*.

**XX.** None shall Sell any Wine, *Aqua Vitæ* or other Strong-waters, as aforesaid, by Retail, without License to be Granted as aforesaid, in pain of five pounds for every Offence, to be Recovered and Distributed in manner aforesaid.

**12 Car. 2.** **XXI.** No Merchant, Vintner, Cooper, or person Selling or Cap. 25. Re-tailing any Wine, shall Mingle or Utter any Spanish Wines Engl. Mingled with any French Wine, or Renish Wine, Sider, Perry, Honey, Sugar, Sirrups of Sugar, Mollosses, or any other Sirrup, whatsoever, nor put in any Isinglass, Brimstone, Lime, Raifons, Juice of Raifons, Water or any other Liquor, nor Ingredients, nor any Clary or Herb, nor any sort of Flesh whatsoever, nor any Milk, nor shall Mingle or Utter any French Wine, Mingled with any Renish Wines or Spanish Wines, Sider, Perry, Stumb'd Wine, Vitriol, nor any of the other Ingredients aforesaid, nor shall Mingle or Utter any Renish Wine mingled with any French Wines, or Spanish Wines, nor any the other Ingredients above mentioned, upon pain that every Merchant, Wine-Cooper, or other persons Selling any sorts of Wine in Gross, Mingled or Abused as aforesaid, shall forfeit for every such

such Offence, 20 pounds *Sterling*: And every Vintner or other person, Selling any sort of Wine by Retail, Mingled or Abus'd as aforesaid, shall forfeit for every such Offence, 10 pounds *Sterling*, of all which Forfeitures aforesaid, one Moyety shall go to the King, His Heirs and Successors, and the other Moyety to the Informer. And all the Forfeitures in this Act before mentioned, to be Recovered in any Court of Record, by Action of Debt, &c. wherein no Essoin, &c. shall be allowed.

XXII. And if any shall Offend contrary to this Act, or shall Incur any Penalty or Forfeiture therein mentioned, the Offenders shall be Proceeded against and Punished, either in the Court of Exchequer, or before the Justices of Assize, at the General Assizes, or Justices of the Peace at their Quarter-Sessions, who may Inquire of all the Offences against this Act, and Hear and Determine the same.

## Witchcraft.

I. Stat. 28 El. Cap. 2. If any shall use, practise or exercise Co. 3. Inst. any Invocations or Conjurations of evil and wicked Spirits, to fo. 43. 128. or for any intent or purpose, or shall use, practise or exercise any Cro. Car. Witchcraft, Enchantment, Charm or Sorcery, whereby any fo. 145. 2. person shall happen to be killed or destroyed, or whereby the Roll. f. 341 death of any person doth ensue; the Offenders, their Aiders *Savils Rep.* and Counsellors, being lawfully Convicted and Attainted there- fo. 134. of, shall suffer as Felons without Benefit of Clergy, saving to Co. 13. the Wife of such person, her Title of Dower; and also to the Rep. f. 59. Heirs and Successors of such person, and all other persons, their Heirs and Successors, all their Rights and Titles what- foever.

II. If any shall use any Witchcraft, Enchantment, Charm, or Sorcery, whereby any person shall happen to be wasted, consumed, or lamed in their Body or Member, or whereby any Goods or Chattels of any person shall be destroyed, wasted and impaired, the Offenders therein, their Counsellors and Aidors being convicted, shall for their first Offence suffer a years Imprisonment without Bail, and once in every quarter of the said year shall stand openly upon the Pillory by the space of 6 hours, in some Market-Town, on a Market day or Fair-Day, and there openly confess his or their Error and Offence: And for the second Offence being convicted or Attainted, shall suffer as a Felon, without Benefit of Clergy, saving to the Wife her Dower, and Right of others, as aforesaid.

III. A Peer offending in any of the Cases aforesaid, for which the pains of Death shall ensue, shall be Tried by his Peers, as is used in Cases of Felony and Treason, and not otherwise.

IV. If any shall by Witchcraft, &c. take upon them to tell in what place any Treasure of Gold or Silver may be found, or where Goods or things lost or stoln, shall be found,

# Women.

or to provoke any to unlawful Love, or to hurt or destroy any person in his or her Body, Member, Goods or Chattels: Every such Offender being thereof lawfully Convicted, shall for the first Offence suffer a years Imprisonment without Bail, and once in every quarter of the said year, shall in some Market-Town, upon a Market-day or Fair-day, stand openly upon the Pillory, and make Confession as abovesaid; and for the second Offence, being Convicted as aforesaid, shall forfeit to the Queen, her Heirs and Successors, all his Goods and Chattels, and suffer Imprisonment during Life.

## Women.

21. *Fac. 1.**Cap. 6.**Engl.*

I. *Stat. 10. Car. 1. Seff. 3. Cap. 16.* A Woman convicted by her Confession, or by the Verdict of 12 Men, of or for the Felonious taking of any Money, Goods, or Chattels, above the value of 12 Pence, and under 10 shillings Sterling, or Accessary to such Offence, being no Burglary, nor Robbery in or near the High-way, nor the Felonious taking of any Money, Goods or Chattels, from the person of any Man or Woman, privily without his or their knowledge, but only such Offence as in the like Case a Man might have his Clergy, shall for the first Offence be branded and marked in the Hand by the Goaler in open Court, before the Judge, upon the Braun of the left Thumb, with an hot Burning-Iron, having a Roman T. upon it; and be further punished by Imprisonment (not exceeding the space of one whole year) Whipping, Stocking, or sending to the House of Correction, as such Judge or Judges, or other Justices before whom she shall be convicted, shall in their Discretions think meet, according to the quality of the Offence, and then be delivered out of Prison for that time.

4. *¶ 5. P.**¶ M. 8 Cap**Ve. Engl.**Co. 3. Inft.**fo. 62. Cro.**Car. fo. 565**Vaughans**Rep. fo.**181. the**Margin.*

II. *Stat. 10 Car. 1. Seff. 3. Cap. 17.* None shall take or convey away, or cause to be taken or conveyed away any Maid or Woman Child unmarried, being within the Age of 16 years, out of the Custody or Governance, and against the will of her Father, or of such persons to whom her Father by his Last Will and Testament, or by any other Act in his Life-time, hath appointed the Education or Governance of her, except such Taking or conveying away as shall be done, by or for such Persons as without Fraud or Covine, or be the Master or Mistress of such Maid or Woman Child, or her Guardian in Soccage or Chivalry,

III. If any persons above the age of 14 years, shall unlawfully take or convey, or cause to be taken or convey'd away, any such Maid or Woman Child as aforesaid, out of, and from the Possession, and against the will of the Father and Mother of such Child, or of such as by any lawful ways or means have the Keeping, Education, or Governance of her; every such Offender, being thereof lawfully Attainted or Convicted, by the Order and due Course of the Laws of this Realm

Realm

Realm, shall suffer 2 whole years Imprisonment without Bail or Mainprize, or else pay such Fine as shall be Assessed by the Counsel of the King, his Heirs and Successors, in the Court of the Castle Chamber.

IV. If any shall take away, or cause to be taken away, as *Ve. Co. 3.* aforesaid, and deflower such Maid or Woman Child as aforesaid, *Rep. fo. 37.* or against the Will, or unknown to her Father (if he be living) or of her Mother, having the Custody and Governance of her (if the Father be dead) by secret Letters, Messages, or otherwise Contract Matrimony with any such Maid or Woman Child, except such Contract of Matrimony be made by the consent of such as by the Title of Wardship have the Marriage of her: every such Offender being thereof convicted as aforesaid, shall suffer 5 years Imprisonment without Bail or Mainprize, or else shall pay such Fine as shall be Assessed by the said Counsel in the said Court of Castle Chamber, one Moyety of which Fines shall be to the King, His Heirs and Successors, and the other Moyety to the party grieved.

V. The Counsel of the Castle Chamber by Bill of Complaint or Information, and Justices of Assize by Inquisition or Indictment, may hear and determine the said Offences, And Award Proces as upon an Indictment at Common Law.

VI. If any such Child above the Age of 12 years and under the Age of 16 years, do consent or agree to such person that so shall make any Contract of Matrimony, then her next of Kin to whom the Inheritance should descend, or come after her Death, shall from the Time of such Assent and Agreement, have and enjoy all such Lands, Tenements, and Hereditaments, as she had in Possession, Reversion or Remainder at that time, during her Life; and after the Decease of such person so Contracting Matrimony, they shall descend and come to such person or persons as they should have done in case this Act had never been made, other than to him that so Contracts Matrimony.

## Wood.

I. Stat. 10. Gul. 3. Sess. 2. Cap. 12. Every person being a Resident within this Kingdom, or who having an Estate of Freehold and Inheritance therein, kept and employed under his, her or their Stock, to the value of 10 pounds by the year; and every Tenant for years, who has 11 years of his or her term unexpired, and who pays 10 Pounds, by the year Rent, or more, shall after the 25th day of March, 1703. Plant, or cause to be Planted, at seasonable times every year during the term of 31 years, 10 Plants of 4 years growth, or more, of Oak, Firr, Elm, Ash, Wallnut, Poplar, Abeal or Elder, in some Ditch or elsewhere, on the said Lands; and the same so planted, shall from time to time preserve from destruction. And all and every person or Society, having

Iron

Iron Works, shall Plant, &c. in ground sufficiently inclosed for that purpose, 500 Trees of the aforesaid sorts, or some of them, every year during such time as he or they shall keep or have the said Iron Works.

II. Every person or persons holding in his, her, or their Occupation 500 or more Acres of Land, Plantation Measure, (other than Tenants in common) shall over and above the aforesaid 10 Trees, within 7 years from the 20th day of November, 1698. inclose with sufficient Fence of Stone Wall, Ditch, Hedge, Pales, or Rails, one Plantation Acre thereof, and therein within the said term of 7 years shall plant one Plant which shall be at the least of the height of one Foot above the Ground when planted, and of the age and times before mentioned, for every 10 Foot square contained in such Acre, in such method as he, she or they shall think fit; and the said Acre so planted shall from time to time during the term of 20 years, to be accounted from the time of planting the same, keep sufficiently Fenced and Inclosed from Cattle.

III. All persons, Bodies Politick or Corporate, who shall be seized of any Lands of Inheritance, or by Dower, Curtesy, or as Creditors, whether Mortgagees or others to whom an actual Possession shall be given by virtue of Judgment, or Decree of any of the 4 Courts, shall be obliged and liable to the planting of his, her, or their proportion of 260600 Trees of Oak, Elm \* of Firr, of the Age and size aforesaid yearly, and every year during the term of 31 years, to be accounted from the 25th of March, 1703. in such manner and proportion as hereafter is expressed.

IV. The proportion of each County, County of a City, and County of a Town, of the said 260600 Trees aforesaid, shall be as herein after is declared.

1. Antrim County, and Carrickferus, 9750.
2. Ardmagh County, 4750.
3. Catherlough County, 3250.
4. Cavan County, 4600.
5. Clare County, 7800.
6. Cork County and City, 26600.
7. Donegall County, 83050.
8. Down County, 8400.
9. Dublin County (whereof the City and its Liberties 21500)  
31900.
10. Fermanagh County, 4560.
11. Galway County (whereof Galway Town and Liberties  
1300) 11800.
12. Kerry County, 4600.
13. Kildare County, 7150.
14. Kilkenny County (whereof Kilkenny Town and Liber-  
ties 700) 9000.
15. King's

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15. King's County, 3900.
16. Leitrim County, 3250.
17. Limerick County (whereof Limerick City and Liberties 1300) 9600.
18. London-Derry County, City and Barony of Colerain, 6500.
19. Longford County, 2600.
20. Louth County (whereof Drogbeds and Liberties 650) 5200.
21. Mayo County, 6500.
22. Meath County, 12350.
23. Monaghan County, 4500.
24. Queen's County, 3950.
25. Roscommon County, 6500.
26. Sligo County, 5200.
27. Tipperary, and Holly Cross, 8200.
28. Tyrone County, 6500.
29. Waterford County (whereof Waterford City and Liberties 1050) 6550.
30. West Meath County, 6600.
31. Wexford County, 6500.
32. Wicklow County, 3250.

V. The Grand Jury at the Summer Assizes, 1702. may, and are required to Apportion the number of Trees, to be planted in such County on each respective Barony therein; and after such Apportionment made, shall sub-divide the Proportion of each Barony into the several Parishes therein; which Apportionment and Sub-division shall be Signed by the Grand Jury, and Read in open Court, after the Presentments for the said County shall be Read. And if no Cause appear to the Grand Jury for altering any of the aforesaid Apportionments upon Reading the same (which they may do if the same appear reasonable to them) then, and from thenceforth, the said Apportionment first made or the same so amended, shall be conclusive, and within one Month after the last day of the Assizes aforesaid, shall be certified to the High-Constable of each Barony respectively within the said County, by the Clerk of the Crown for such County, under his Hand, without Fee or Reward.

VI. The respective High-Constables, within one Month after their receiving such Apportionments as aforesaid, shall certify and deliver to the Ministers and Church-Wardens of each Parish, under his Hand, without Fee or Reward, the number of Trees presented by the said Grand Jury, to be proportioned to be planted within such Parish; which said Minister, and Church-Wardens, within one Month after the delivery of such Certificate as aforesaid, shall summon a Vestry

Vestry of the said Parish, where the number of Trees, which shall be the proportion of each person within the said Parish or having or holding any Land therein, shall be agreed and adjusted.

VII. Provided that none be chargeable with the planting any Trees by virtue of this Act, otherwise than on account, and with respect to what Land he, she or they possess or enjoy, but that the said Lands shall remain chargeable therewith yearly and every year, during the continuance of this present Act.

VIII. Any having Lands in Dower, Joyniture, or by Courtesie; or who shall have any actual possession, as Mortgagees or as Creditors, by any other ways or means, who shall in execution of this Act, plant any number of Trees, they and every of Their Executors and Administrators, shall and may demand and receive from those to whom the Reversion, Remainder, or other Right and Title of such Lands shall come after the determination or other avoidance of the Interest of such Person, who planted the said Trees, the Sum of Two Pence for each Tree, planted by force and virtue of this Act; and which shall upon the determination or avoidance of his, her, or their Interest, be found growing on the said Lands in good condition for Timber, not being Cut, Broken, or Thinned, but well fenc'd and preserv'd, according to the intent and meaning of this Act.

IX. The Justices of Peace herein after appointed, may issue Warrants under their Hands and Seals, directed to the High-Constable of the Barony, or Petty-Constable of the Parish wherein such person resides, who ought to pay the 2 pence per Tree, for Levying the same by Distress (if need be) and Sale of the Goods so distrained, rendering the owner the overplus (if any be) after the said 2 pence per Tree shall be paid, and reasonable Charges for distraining first deducted; which said Warrant shall be granted without Fee or Reward.

X. But no such Warrant shall be made till first the persons claiming the said 2 pence per Tree shall by himself or some other credible person, make Oath that the same has been demanded from the person to whom the Possession and Right of the said Lands are come; and shall likewise make appear by the Oath of 2 or more credible Witnesses, the number of Trees standing, growing, and planted on the said Lands, by virtue of this Act, with the condition they are in: Upon which proof so made, if the person from whom the said 2 pence per Tree was demanded, or some one in his behalf do not appear, the said Justices shall proceed as to them shall seem Just and equitable. And if the said person, or any one in his behalf, shall appear before the said Justices, then in such case they may make and give such definitive Sentence and Judgment as the case requires upon proof heard on both sides; and

and the same shall cause to be Executed by Warrant as aforesaid.

XI. Every Lessee for years, who shall not have a term at least of 20 years unexpired, at the Time of planting such Acre, as is herein and hereby express, shall and may detain in his Hand yearly and every Year during the continuance of his term the Sum of 10 shillings towards the maintaining and supporting the Fence of the said Acre, over and above the yearly value of the said Acre; which said 10 Shillings yearly, and the yearly value of the said Acre, shall be allowed as Payment in his Rent for so much, and shall be pleadable in all his Majesty's Courts of Law, and this Act and the special matter given in Evidence.

XII. No Possessor, Tenant, or Occupier of any Land inclosed and planted by vertue of this Act, shall for the term of 20 Years suffer Sheep or Cattle of any sort to graze or trespass the Land so inclosed, under the penalty of 20 shillings every time, to be levied as other penalties are herein after directed, the one Moyety thereof to the use of the Informer, and the other to the use of the poor of the Parish where the Offence is committed.

XIII. No person, whatsoever shall strip Bark from any growing or standing Tree whatever, or cut or fell any Gads made of Oak, or shall cut or place at their doors, or elsewhere, any green Trees, commonly called May-Bushes, or shall keep any Goat or Goats, other than in Mountains under the penalty of forfeiting the same; and also 20 Shillings for every such Offence, to be levied as aforesaid and one Moiety to the Informer, and the other to the poor of the Parish, where the person offending shall be apprehended.

XIV. After the 20th day of November, 1698. no Broagemaker: or other person whatsoever (other than publick and known Tanners) shall Tan or keep in Lime or other Pits, in order to Tanning any Hide or Hides, Skin or Skins whatsoever: And no Spinner, Weaver, Skinner, or other person whatsoever (not being a known Dyer, and exercising the Trade of a Dyer) shall colour or dye any Linnen Yarn, Thread, Skins or Gloves, with the Bark of any Tree growing in this Kingdom, under the pain of such Fine not exceeding 40 Shillings for any one Offence, as the Justices herein after appointed shall Impose.

XV. After the said 20th day of November, every person and persons who between Sun rising and Sun Setting shall saw or otherwise cut down any Tree or Trees, not being thereunto Authorized by the person who has a Right to the same, shall for every such Offence forfeit to the Owner of such Tree or Trees treble the value thereof, to be ascertained by the Justices in their publick Sessions, and shall also pay as a Fine for the same such sum not exceeding 40 Shillings, nor under

Five Shillings, as to the said Justices shall seem reasonable; and in case of refusal to pay, or inability, then the said Justices in open Sessions shall by Warrant under their Hands and Seals, commit such person or persons to the House of Correction, for any time not exceeding or under 3 Months there to remain at hard Labour, and having due Correction according to Law.

XVI. And where any person or persons shall after Sun setting, and before Sun rising, Saw, Cut down or Grub up any Tree or Trees, such person or persons shall by the next Justice of the Peace be committed to the County Goal as a Felon, and shall (being thereof Convict) suffer all the pains and penalties of Felony.

XVII. All and every person who shall be taken with, or found having or selling any sort of Fruit Trees, Nursery Plants, Flower Trees, Green Plant Flowers with their Roots, or their Roots alone, or any Quantity of Fruit, such person not having a Nursery, Flower Garden, or Orchard of his or her own, or who does not publickly follow the Trade of Buying and selling Fruit; or who shall be taken with Bee-Hives with Honey or Combs in them, or with fresh Honey in Combs, and not keeping Bees of his or her own, shall be obliged to prove how he or she came by the same; and upon failure of such Proof, shall be deemed and taken to be guilty of Stealing; and upon Tryal in case of such Failure shall be Convict of such Offence, and suffer all the Penalties which by Law, ought to be Inflicted on such Offence.

XVIII. The Justices of the Peace at their Sessions may from time to time after the 20th day of November, 1698. Execute all and every part of this Act; and after the 25th day of March, 1703. at their respective Quarter Sessions may hear and finally determine all Controversies that shall or may arise between Party and Party by reason of this Act.

XIX. And at every Michaelmas Sessions to be held aforesaid, after the said 25th day of March, 1703. all High-Constables and Petty Constables, within this Kingdom, pursuant to a Precept to be directed to the several High-Constables by the Clerks of the Peace of the respective Counties of this Kingdom (which the said Clerk of the Peace is required to Issue at least 10 days before such Sessions, under the Penalty of 40 Shillings for every such default) shall give in a Return in Writing upon Oath, (under the penalty of 40 Shillings for every Failure) of the names, with the places of abode of every person within their respective Baronies or Constableweiks, who are obliged to Plant the 10 Trees, 500 Trees, and the Acre afore mentioned, together with the names of the Lands, for or by reason whereof every person is obliged to plant the proportion an-

next

next to his or her name, and likewise the proportion of the  
260600 Trees, to be yearly planted by each respective In-  
habitant obliged to plant the same, together with his and  
their name and place of abode: And that each Petty Con-  
stable within his respective Parish, has given, or caused to  
be given, notice to every such person as aforesaid, of their  
being so Returned to Sessions: And that whilst the Court  
is sitting, the Clerk of the Peace shall read all the said Re-  
turns, that every one may know what number of Trees they  
are obliged to plant that year. And that persons finding  
themselves aggrieved, by being Returned for Lands which  
are not enjoyed, or do not any ways belong to them, may  
have such Relief as to the said Justices shall seem just and  
reasonable.

**XX.** And at every *Easter* Sessions the Returns made and allowed, the preceeding *Michaelmas* Sessions shall again be openly Read, and called over in Court; and that every person who upon the second Call of his or her name, shall not by his or her Oath, or by Certificate of some one of the Justices of it, having appeared to him by the Oath of

That \_\_\_\_\_ of \_\_\_\_\_ in the Parish of \_\_\_\_\_ had  
that year planted, or caused to be planted, \_\_\_\_\_ Trees,  
pursuant to this Act (which said Certificate every Justice is  
required to give *gratis* upon the Oath of the Party, or one  
credible Witness) make it appear that he, she, or they have  
planted in that year, the number of Trees to which he, she  
or they were obliged by this Act, shall be Adjudged not to  
have planted the same; and shall for each 10 Trees, so neg-  
lected to be planted, forfeit 10 Shillings; for each 500 Trees  
as aforesaid, 5 Pounds, and each Acre not Inclosed and Plant-  
ed, 5 Pounds; the respective Fines to be Imposed each *Easter*  
Sessions yearly, until such Defaulters shall make proof of  
his or her having planted their proportion of Trees, and pre-  
served the same, pursuant to the true intent and meaning of  
this Act.

**XXI.** The Clerk of the Peace shall Enter into a Book to be prepared for that purpose, every Oath so made, and Certificate so to be produced; for which said Entry, the person making the said Oath, or producing the Certificate, shall pay 3 pence, and no more.

**XXII.** Every person planting in any one year, any number of Trees of the several kinds appointed by this Act, and procuring to be Registered a Certificate thereof, as is aforesaid, shall be thereby Indemnified from the penalty of this Act, for so long time as such number of Trees shall answer the 10 Trees to be yearly planted.

XXIII. Provided that none of the said Trees be planted pursuant to any other Obligation or Clause in this Act : and D d d a that

that every such person being a Tenant for term of years, do preserve the said Trees till the expiration of his Lease.

**XXIV.** None to be Assessed, Rated, or Required to plant any number of Trees on any other account than for, or by reason of Land held by them, but that from and after their Term and Interest in such Land (by virtue whereof they become obliged to plant such Trees) shall cease and determine, such person and persons shall be, and are free and exempted from all Obligations of planting by reason of such Land, and their Interest therein; and from all the penalties of this Act by reason thereof.

**XXV.** Provided that such Land, and the Occupiers, Possessors and Proprietors thereof, shall from time to time during the continuance of this present Act, remain liable to the planting the number of Trees herein and hereby required to be planted, after the same manner as if such Occupiers, &c. had been first presented to have planted the same.

**XXVI.** All Penalties and Fines incurred, and to be levied by virtue of this Act, shall and may be levied by Distress and Sale of Goods, if need be, or by Committal of the person where no Distress can be found, by Warrant under the Hand and Seal of two or more of the said Justices aforesaid. And all Fines and Forfeitures so levied, and not herein or hereby otherwise disposed of, shall be applied to the Encouragement of the Linnen and Hempen Manufactures, and for defraying the necessary Charge of the several Sessions, the same to be disposed to the Uses aforesaid, according to the Directions and Orders of the said Justices, as aforesaid, which shall be made by them in open Sessions.

**XXVII.** All Justices of Goal-Delivery shall at each respective Assizes give this Act in charge, and shall cause the Clerk of the Crown, or his Deputy, after the Charge given, to Read the same in open Court with an Audible Voice, Silence being first commanded.

#### Wool, and Woollen Manufactures.

**I. Stat. 13. H. 8. Cap. 2.** None shall take out of this Land any Wool or Flocks, upon pain of Forfeiture of the double value thereof, one half to the King, and the other to him that will Sue for it, by Action of Debt or Information, in any of the King's Courts, wherein the Defendant shall have no Essoyn, &c.

**II.** All Justices of the Peace may enquire of the Premisses;

**III. Stat. 28. H. 8. Cap. 17.** All Licenses Granted by any of the King's Lieutenants or Deputies of this Land, contrary to the true meaning of the said Act of the 13. H. 8. (above-mentioned) shall be void.

**IV. None**

IV. None shall Load, Ship, Convey, or Carry, in any Ship, Vessel, or Boat, any Wools or Flocks, nor convey them to any Port or Creek, to the Intent to Ship or Load them, in pain of Forfeiture of the same; and also of the Ship, &c. wherein they are Loaded, if the Master or Owner be any ways privy to the same, one Moyety to the King, and the other to the Seizor, Finder, or Presenter of the said Forfeitures, or that will Sue for the same by Action of Debr, Bill, &c. in the King's-Bench, Common Pleas, or Exchequer; and no Wager of Law or Effoyn to be admitted therein, nor any License or Pardon Granted by any Lieutenant or Deputy of this Land, to any Offender herein shall be allowed. And if any Plea be pleaded not Tryable within this Land, nor in any such place where the King's Writ runs nor within the same, then upon Issue taken upon such Plea, it shall be Tryed by a Jury of the Shire or place where such Action shall be commenced.

V. The Justices of the King's-Bench, and the Barons in the Exchequer, and every person appointed by the King's Commission to enquire of the Offenders against this Act, and of the Act aforesaid, shall enquire thereof by Presentment, Verdict, or Oaths of 12 Men, or otherwise; and to hear and determine the same. And none of them shall Tax any less Fine upon any Offender, Lawfully Convicted by Verdict, Confession, or otherwise, than the very value of the Forfeiture appointed by this Act, or by the said Act of the 13. H. 8.

VI. Every Searcher privy to the Conveying or Loading of any Wool or Flocks contrary to this Act, and concealing the same, without Presentment in the Exchequer, or before the said Justices, within 14 days after, if in Term time; or if not, then within 6 days of the beginning of the Term then next following; and being Convicted thereof, as aforesaid, before any of the said Justices, &c. shall forfeit his Office, and be incapable of ever exercising or having the Office for the future, any Letters Patents, or other Gift or Grant made to him thereof notwithstanding. And if afterwards he receive or exercise the same Office, he shall lose for every day 40 Shillings, one half to the King, and the other to him that will Sue for the same in any of the King's Courts, and no Effoyn, &c. shall be Allowed.

VII. If any Searcher within this Land appoint any Deputy, Factor or Servants, to exercise his Office, who shall be privy, and make any such concealments without Presentment, as aforesaid, and shall be Convicted thereof in manner aforesaid, such Searcher shall forfeit five pounds, to be divided and Sued for in manner aforesaid.

VIII. Every Pack or Fardel, laden or shipped, or carried, sent or conveyed to any place within this Land to that Intent,

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tent, wherein any manner of Wool or Flocks shall be pack-ed or inclosed, shall be seized as aforesaid, and the Forfei-tures to be divided, and Sued for as aforesaid.

IX. *Stat. 11. El. Sej. 3. Cap. 10.* Whosoever shall put or load into any Boat or Vessel, any Wool, Flocks, Flax, Lin-nen Yarn, Woollen Yarn, Sheep-Fell, Calf-Fell, Goat-Fell, Red Deer Fell, or Fallow Deer-Fell unwrought, Beef, Tallow, Wax, or Butter, to the intent to carry the same out of this Realm, shall pay to the Queen, her Heirs and Suc-cessors, for every such Stone of Wool and Flocks five Shillings Sterling, every Pound of Flax Linnen and Wollen Yarn, 12 Pence; every Sheep-Fell, Calf-Fell, and Goat-Fell, four Pence; every Red Deer Fell two Shillings and four Pence, and every Fallow Deer-Fell 20 Pence; and for every Pound of Beef uncasked, or put into other Vessels than is contained in this Act, one penny, and for every Firkin of Beef, five Shillings; and for every half Barrel 13 shillings four pence; and every Barrel 20 shillings; every Hogshead 40 shillings; and for every Pipe of Beef, four pounds; for every such Stone of Tallow, two shillings; for every such pound of Wax 12 pence, and for every such pound of Butter six pence.

X. Also to pay by way of Custom to every such City or Corporate Town, from whence such things before men-tioned, are to be Transported, for every such Stone of Wool and Flocks, four shillings, Currant Money of *England*, every pound of Flax, Linnen or Woollen-Yarn 8 pence, every Sheep Fell, Calf-Fell and Goat-Fell, three pence; every Red Deer Fell 20 pence; every Fallow Deer-Fell 18 pence; every pound of Beef uncasked, &c. 1 penny; every Firkin of Beef, four shillings; every half Barrel, six shillings, and eight pence; every Barrel, 13 shillings and four pence; every Hogshead, 26 shillings and eight pence, every Pipe three pounds; every Stone of Tallow, 18 pence: every pound of Wax, six pence; and every pound of Butter, four pence.

XI. And also to forfeit the like Sum for every of the said Commodities (as are before mentioned payable to the Queen) over and above the Queen's Money and the other Customs.

XII. All the said Forfeitures last mentioned to be to him or them that will Sue for the same, at the Common-Law in any Court of Record in this Realm, or by Information in the Exchequer, in which no Effoin, &c. shall be allowed.

XIII. If the Owner, Purser or any other Officer of Boat or Vessel, in which any of the said Goods shall be put, do permit them to be put on Board, before the Queen's Custom be paid in this Realm, and the Custom of the City or Cor-poration, as aforesaid, the same Boat or Vessel shall be for-feited, one half to the Queen, Her Heirs and Successors, and

and the other half to such person or persons, as Present or Inform, before the Barons of the Exchequer in the said Realm, within 12 weeks next after such Forfeiture.

XIV. It shall be Felony in any Searcher or his Deputy, of any Port within this Realm, where any such Goods be put on Board any Boat or Vessel being privy thereunto, and shall Conceal the same by the space of 14 weeks after, without Information thereof to the Barons of the Exchequer of this Realm, for which he shall suffer pains of Death, and Forfeiture of Goods only.

XV. This Act shall not extend to any Lord or Prelate of any of the Queen's Privy Council, to take Flock Beds, under the weight of three Stone with them, for their ease in their Passage. Nor to the Master, Owner or Victular of any Vessel, for Shipping or Transporting reasonable Beef and Butter, for the Victualing of him and his Company in the said Vessel, for their present Voyage from this Realm.

XVI. All Offences against this Act (the Custom aforesaid only excepted) to be Inquired of within nine Months, after the Offence Committed; matters of Felony to be Inquired of in the King's-Bench, and there Heard and Determined, or before such persons Justices of Goal Delivery, as shall have Authority by Letters Patents under the Great Seal of this Realm, to Hear and Determine Causes of Felony according to the Course of the Common Laws of this Realm.

XVII. Stat. 13. El. Seß. 5. Cap. 4. Whosoever shall Ship or Carry away in any Ship or Vessel whatsoever, any Wool, Flocks, Flax, Linnen and Woollen, Yarn, Sheep Fell, Calf Fell, Red Deer-Fell, Fallow Deer-Fell unwrought, Beef, Butter, Tallow or Tallow wrought in Candles, Wax, or Wax wrought in Candles, or otherwise, within any Haven, &c. within this Realm, before Entry thereof made, of all Customs (specified in the last Act before mention'd) truly satisfied and paid, shall forfeit the same Goods, one half to the Queen, Her Heirs and Successors, and the other half to him or them that shall Find and Discover the same, who shall Seize, Carry away and Retain the same.

XVIII. The Shipping of any of the Goods, in any Port, &c. before Entry made, and the Customs paid as aforesaid, shall be deemed Felony; and the Offenders therein, their Aiders, Counsellors and Assistants, shall be Tryed, and suffer as in Cases of Felony is used by the Common-Law of this Realm: And the Justices of Peace at their Sessions and Officers within Corporations, being Justices of the Peace, or of Goal Delivery, may Hear and Determine the Offences made Felony by this Act.

XIX. Every Pack or Fardel, Chest, Trunk or other thing Shipped, Carried or Conveyed to any Place within this

this Realm, to the Intent to be Shipped, wherein any of the Goods aforesaid shall be Sett, Packed or Inclosed, shall be Seized and Forfeited, one half to the Queen, Her Heirs and Successors, and the other half to such as shall Seise, Take or Sue for the same, by Action of Debt, Bill, &c. in any of the Queen's Courts, wherein no Essoin, &c. shall be allowed.

**XX.** The Force and Effect of the former Act, nor of any Clause or Proviso therein, shall not be taken away by this Act.

**XXI.** No License, Dispensation or Pardon, for Goods Forfeited by this Act, Granted by any Governors of this Realm, under the Great Seal thereof, or in any other manner whatsoever, shall be of any Force, but utterly void to all intents and purposes.

**XXII.** The Inhabitants and Dwellers within the Counties of *Waterford, Wexford, Catherlough, Kildare, King's County, Queen's County, Kilkenny, Tipperary, Cork, Limerick, Clare and Kerry*, may Carry, Transport and Convey, any of the wares above mentioned in this Act, in any Ferry Boat or other small Boat or Vessel, upon any the Rivers Running within any of the said Counties, to and from any City or Town within the said Counties, or any of them so as the same, nor no parcel thereof be in no wise Transported or Carried out of the Realm.

**XXIII.** Every Subject of this Realm, may also Ship and Convey by Sea or other water, Flesh, Tallow and Butter or any of them, out of any Port, &c. of this Realm, for Victualing and Provision of any Army, Camp, Garrison or Ward of the Queen, Her Heirs or Successors, being and residing in any Place within this Realm, so as the same or any parcel thereof, be not Transported or Carried out of the Realm.

**XXIV.** Every Subject of this Realm, may Ship also and Convey any Flesh, &c. out of any Haven, &c. where the Queen, Her Heirs or Successors, have no Custom Master, or other ordinary Officer, for the Receipt of Entries and Customs, so as the Commodities be not Transported out of the Realm, but Discharged in any City, Port, &c. within this Realm, where there is such an Officer, and true Entry made of the Quantity thereof in his Books; and the same be truly Certified by the said Officer, into the Exchequer, within 12 days after the Beginning of every Term, after such Entry made with him as aforesaid.

**XXV.** And every Subject of this Realm, may Ship and Transport any Flesh, &c. out of any Haven, &c. of this Realm, having a Custom Master or other Officer as aforesaid, for the Receipt of Entries and Customs there, so that the Transporter enter into Bond to the said Officer, to the use of the Queen, Her Heirs and Successors, in the double value

value of the Goods so Shipped there, to Discharge and Un-lade the same in any City or Town within this Realm, where such an Officer, as aforesaid, remains and is appointed: And the said Bonds so taken, shall be by the said Officer, Certified within three months then next after the taking of the same, into the Exchequer of this Realm, if it be then open, and if not open, before the end of every such three months; then to be Certified the First day of the Term then next following, thers to be put in suite against the Party Offending contrary to this Act, by Action of Debt, Bill or Information; and so as the said Goods, so Shipped and Laden, nor any part thereof, be in any wise Transported or Conveyed out of the Realm.

XXVI. Every such Custom Master or other Officer as aforesaid, shall have Power to take such Bonds as aforesaid, which shall be of Force to all intents and purposes, to Charge the persons bound, and Offending contrary to this Act; and that for the making of every such Bond, the said Officer shall Receive 12 pence and no more of the Obligers: And if such Obligers deliver to the Barons of the Exchequer, a Certificate under such Officers Hand, and under the Cocket Seal of the Port, &c. where such Goods as aforesaid, have been so Discharged and Unladen within this Realm, before Suite Commenced against them upon the said Bond, then the same shall be void and of none effect.

XXVII. Provided that every Subject of this Realm dwelling within the Isle of *Lambe*, may Ship and Transport out of any Port of this Realm into the same Isle, any Flesh, Tallow and Butter, for the Virtualling and Expenses of their Housholds there, so as the same Goods or any part thereof be not Transported or Conveyed out of the same Isle, to any other place whatsoever, unless it be to some Port of this Realm, where there is a Custom Master, or other Officer, to receive Entries and Customs, and a true Entry made thereof in their Books; and the same Certified by the said Officer into the Exchequer of this Realm, before the end of the next Term, after the said Entry.

XXVIII. But no Subject dwelling in the said Isle of *Lambe* or elsewhere, shall Embark or Transport any Flesh, Tallow or Butter, into the said Isle, out of any Haven, &c. of this Realm, having an Officer for Receiving of Entries and Customs, before Entry be made thereof in his Books upon the pains and forfeitures comprised in this Act; and that the said Officer do Certifie the same into the Exchequer as aforesaid.

XXIX. The Certificate of any Custom Master, Controller or other Officer or Officers of any City, Town, Port, &c. within the Realm of *England* or elsewhere, in writing

under the Seal of their Office, Certifying the Entry and Discharge of any the above named Wares, Merchandises, Virtualls and Commodities, Prohibited by this Act, to be Carried or Conveyed out of this Realm, shall be a sufficient Evidence against any Offender herein, to be given in Evidence to any Jury, in any Sute, Information or Indictment against him, for the Offences mentioned in this Act.

**XXX.** The Custom Master or Officer of any Port, &c; shall from time to time, make the Certificates mentioned in this Act, in pain of 10 pounds lawful Money of *Ireland*, every time Refusing or Neglecting; one Moyery to the Queen, Her Heirs and Successors, and the other to the Party that will Sue for the same, by Action of Debt or Information, before the Barons of the Exchequer of this Realm.

**XXXI.** The Right of others to any Forfeitures, is saved by this Act.

**XXXII.** Stat. 1. Gul. & Mar. 28. Engl.  
Mar. 28. All Certificates of Landing Wool from *Ireland*, within *England, Wales*, or Town of *Berwick upon Tweed*, shall be written upon Paper, and not Parchment, and Signed by three of the Chief Officers of the Port at the least; and all such Wool, at the Landing, shall be weighed in the presence of the said Officers given such Certificates; and the exact weight, marks and numbers thereof, shall be particularly expressed.

**XXXIII.** Enacted that no Wool shall be Shipped from the Kingdom of *Ireland*, but from these Ports following, viz. *Dublin, Waterford, Youghall, Kingsale, Cork and Drogbeda*; and that no Wool shall be Imported from the Kingdom of *Ireland*, into any Port but these following, viz. *Leverpool, Chester, Bristol, Minebead, Barnstable, Biddiford, and Exeter*. But this Act standing but upon Continuance for three years; and from thence to the end of the next Parliament, and being continued by the Statute of the 4 & 5 Gul & Mar. Cap. 24. by a Proviso therein; no Wool shall be Imported from the Kingdom of *Ireland* into the Port of *Exeter*; and this time of Continuance being also Expired, it is again Continued for a longer time, by the Statute here following, and *Exeter* is there also left out.

**7 & 8 Gul.** Stat. 7. & 8 Gul. 3. Cap. 28. Engl. The Act made in the 1. Gul. & Mar. Cap. 32 (above mentioned) and every Clause therein (except what is hereby Altred, Explain'd or Repeal'd) is continued.

**XXXV.** Wool may be Imported from *Ireland*, to these Ports, viz. *Whithaven, Liverpool, Chester, Bristol, Bridgewater, Minebead, Barnstable and Biddiford*, and none other.

**XXXVI.** The Commissioners of the Customs in *Ireland* shall every 6 Months, Transmit to the Commissioners of the Customs

Customs

Customs in *England*, a true Account and Particulars of all the Wool Exported out of *Ireland* into *England*.

**XXXVII.** All Certificates for the Landing of Wool, shall be written upon Paper, and not Parchment, and not Obliterated or Interlin'd.

**XXXVIII.** This Act to continue in Force for 3 years, and from thence to the end of the next Session of Parliament.

**XXXIX.** Stat. 10. Gul. 3. Sess. 2. Cap. 5, From and after the 25th day of *March*, 1699. to the 25th day of *March*, 1702. there shall be Levyed and Paid through the Kingdom of *Ireland*, [over and above all Rates, &c. whatsoever, which are already due and payable] for the Commodities hereafter following, (viz.) for all Broad Cloth that shall be Exported out of this Kingdom, of the Manufacture of the same, for every 20 shillings in value thereof, the Sum of 4 shillings; and for all Serges, Bays, Kersies, Perpetuanus, Stuffs, or any other new sort of Drapery, made of Wool, or mixed with Wool [Frizes only excepted] that shall be Exported, &c. for every 20 shillings in value of any of the said new sorts of Drapery, the Sum of 2 shillings: All which said Duties, every Customer or Collector for the time being, shall Levy and Receive, according to the true Price and value of such Goods, which shall be Ascertained by the same ways and methods as by the Stat. 14. Car. 2. Intituled, *An Act for Settling the Subsidy of Poundage, &c.* (which see here before, Tit. Excise s. 69.) is appointed.

**XL.** And all the the said several Duties, shall likewise be Collected and Paid during the time aforesaid, by such persons, at such times, and in the same manner, and under such Regulations, Penalties and Forfeitures, as the Duties payable by the before mentioned Acts, are Enacted, to be Collected and Paid.

**XLI.** Stat. 10 &c. 11. Gul. 3. Sess. 1. Cap. Engl. After the 24th day of *June*, 1699. none shall directly or indirectly, Export, Transport, Ship, &c. or cause to be Exported, &c. from the Kingdom of *Ireland*, into any Foreign Realm, States, Dominions, or places whatsoever, other than the parts within the Kingdom of *England* and Dominion of *Wales*, any the Wool, Wolfells, Shortlings, Mortlings, Woolflocks, Worsted Bay, or Woolen Yarn, Cloath. Serge, Bays, Kersies, Says, Frizes, Druggets, Cloath Serges, Shalloons, or any other Drapery Stuffs, or Woollen Manufactures whatsoever, made up or mixed with Wool or Woolflocks or shall directly or indirectly Load or cause to be Laden upon any Horse, Cart, or other Carriage, ; or Load or lay on Board, or cause to be Laden or Laid on Board in any Ship or Vessel, in any place or parts within or belonging to the said Kingdom of *Ireland*, any such Wool, Wolfells, &c. to the intent to Eee a Export,

10, &c. 11.  
Gul. 3. Sess.  
1. Cap.  
Engl.

Expott, &c. or cause the same to be Exported, &c. out of the said Kingdom of *Ireland*, or out of any other Port, &c. or with intent that any should so Export, &c. the same out of the said Kingdom of *Ireland*, into any Ports or Places (except before excepted.)

XLII. All Offenders and Offences aforesaid, shall be liable to the Penalties and Forfeitures here after following, viz. The said Wool, Woolfells, &c. so Exported, &c. shall be Forfeited, and every Offender for every Offence, shall Forfeit 500 pounds. And every Ship, Vessel, &c. whatsoever, wherein any of the said Commodities are, or shall be Shipped, &c. shall be Forfeited, with all her Tackle, &c. and the Masters and Mariners thereof, or any Porters, Carriers, Waggoners, Boatmen or other persons whatsoever, knowing such Offence, and wittingly Aiding and Assisting therein, shall Forfeit 40 pounds, one Moyety to him or them that that shall Sue for the same by Bill, &c. in any of His Majesty's Courts of Record in *England* or *Ireland*, and the other Moyety to the Encouragement and setting up the Linnen Manufactures in *Ireland*, to be disposed of by the Court of Exchequer there, for that use only; in which Sute no Essoin, &c. shall be allowed.

XLIII. No Acquittal, nor any Indictment, Information or Sute (unless the Offender be thereupon Convicted) in *Ireland*, for any Offence provided against in this Act, shall be pleaded or allowed in Bar, or Delay of any Indictment, Information, Sute or Prosecution within the Kingdom of *England*.

XLIV. Any may Seize and Convey to His Majesty's next Ware-house, all such Wool Woolfells, &c. as they shall happen to See, Find, Know or Discover to be laid on Board in any Ship, &c. or laid on Shoar, at or near the Sea, or any Navigable River or Water, to the intent to be Exported out of the said Kingdom of *Ireland*, contrary to the true meaning of this Act; or to be Laden on any Horse, &c. to the intent to be Exported, &c. into any Foreign parts, contrary to the said meaning: And any may Seize and Secure every such Ship, &c. of what kind soever, or wheresoever found or discovered, wherein any of the said Commodities shall happen to be Shipped, &c. contrary to the said meaning. And such Seisers as aforesaid, shall be Indempnified for so doing, to all intents and purposes.

XLV. For every Ship or Vessel which after the said 24th day of June, shall set out and Sail from *Ireland*, in order to carry off any of the Commodities aforesaid to *England*, Bond shall be given by 2 sufficient persons, known Inhabitants, Residing in or near the place where the Bond shall be given, to the Chief Officers of the Customs, belonging to the said Port or Place in *Ireland*, from whence the said Ship or Vessel

Vessel shall set Sail, in double the value of any the aforesaid Goods, intended to be Transported, as aforesaid before the said Ship or Vessel shall be permitted to lay on Board any of the Commodities aforesaid, with condition, that if she shall Lade or Take on Board, any of the said Commodities in *Ireland*, that then the same shall be brought by the same Ship, to some Port or Ports in *England* or *Wales*, as aforesaid, and shall there Unlade or put on Shoar the same, and pay the Custom and Duties thereof (the danger of Seas only excepted) and that every Ship or Vessel, which shall Lade, &c. until such Bond be given, shall be Forfeited, to be Recovered and Employed in manner as aforesaid.

XLVI. A Register to be kept at the Custom-house in *London*, of all the aforesaid Goods, from time to time, Imported from *Ireland*, into any of the Ports within *England* or *Wales*, with the particular Qualities and Quantities thereof, the Master and Owners Names, and to whom Consigned.

XLVII. All Cocquets and Warrants for Transporting any of the aforesaid Goods from *Ireland*, to any Port or Ports aforesaid in *England*, shall be written upon Paper and not Parchment, and Signed by 3 of the chief Officers of such respective Port at least; and all Certificates of Landing the same in any the Ports in *England* or *Wales*, shall be Signed in like manner; and all the Goods aforesaid, both at Shiping and Landing, shall be Viewed and Examined by the Surveyor or Searcher, or Land waiter, attending the Shipping or Discharge of the same; and the exact Quantities and Qualities, Marks and Numbers of the Goods aforesaid, so Shipped in *Ireland*, shall be particularly Expresed and Endorsed upon the Cocquet, by which they are to be Shipped; and likewise upon the Warrant for Landing the same in *England*; and also upon the Certificates given, for Discharging the Bonds taken in *Ireland*, for the same.

XLVIII. The Commissioners of the Revenue, or Farmers of the Customs or Revenue of *Ireland*, shall from time to time, once within every 6 months, or within 30 days after the end thereof, Transmit unto the Commissioners or Farmers of the Custom in *England*, of all such Goods, as aforesaid, as shall be Exported from *Ireland*, the Qualities and Quantities thereof, and Duplicates of the Bonds taken for Landing of the same, and by whom, and in what Ship Exported, and where, and to what Port in *England* or *Wales* Consigned, and the Names of the persons Signing the Certificates of the Landing the same in *England* or *Wales*, and the Date of the said Certificates, and where the same were Laden; and also of the Qualities and Quantities, Marks and Numbers contained in the said Certificates, in order that the same may be compared with the Registered Account.

XLIX. All

**XLIX.** All such Certificates shall be written on Paper and not Parchment, and the Quantities and Qualities, Marks and Numbers therein Express, shall not be Obliterated or Interlined, upon any pretence whatsoever.

**L.** All such Goods as aforesaid, as shall be Exported from Ireland, into the Ports of England or Wales, in manner as aforesaid, shall be Shipped off, and Entered at the Ports of Dublin, Waterford, Youghal, Kinsale, Cork and Drogbeda, in Ireland, and at or from no other Port or Place; nor shall the same be Imported into any parts of England or Wales, other than the Ports of Biddiford, Barnstable, Minehead, Bridgewater, Bristol, Milfordhaven, Chester and Liverpool.

**LI.** If any Commissioner or Commissioners, Farmer or Farmers of the Revenue of Ireland, or Officer or Officers employed under them in the management thereof, shall after the said 24th day of June, take or suffer to be taken any Entry Outward, or Sign any Cocquet, Warrent or Sufferance, for the Shipping and Exporting any such Goods as aforesaid, into any Kingdom, State or Dominion whatsoever (except as aforesaid) or shall wittingly or willingly permit, contrive or suffer the same to be done, directly or indirectly; every such Commissioner, &c. so Offending, or Failing, or Neglecting to perform all other Duties required by this present Act, shall for every such Offence or Neglect, Forfeit his Office, and also the Sum of 500 Pounds, to be Recovered and Employed in manner and form as aforesaid.

**LII.** Every Offence against this Act shall be Inquired of, Tryed, Heard and Determined in the County where any such Goods as aforesaid, shall be so Laden or put on Board as aforesaid, or else in the County, either in England or Ireland, where such Offender shall be apprehended for the same, or where any such of the Goods aforesaid, or the said Ship or Ships, &c. shall be Seized, Taken, or Brought in; and the said Tryal shall be in such manner and form, and in such effect, as if the same Offence had been wholly done and committed in the same County.

**LIII.** If any shall be Sued for what he shall do in pursuance of this Act, he may File a common Bail, or Enter a common Appearance, and plead the general Issue, and give the special matter in Evidence; and if the Plaintiff or Prosecutor shall become Non-Sute, or suffer a Discontinuance, or if a Verdict pass against him, or if upon Demurrer, Judgment pass against him, the Defendant shall recover treble Costs and Damages for the Molestation.

**LIV.** After the said 24th day of June, Wool, Wool-Fells, &c. Made and Manufactured in Ireland, may be Imported from the Ports aforesaid, into such Ports of England or Wales, only as aforesaid, so as notice be first given to the Commissioners, or Chief Managers of the Customs in England, or to the Chief

Chief Customer or Collector in the Port to which the same is intended to be brought, of the Quantity, Quality and Package, together with the Marks and Numbers thereof, with the name of the Ship, and Master or Commander, on which the said Goods are to be Laden, and the place or Port into which they are intended to be Imported, and so as Bond be first entered into, to the King's Use, his Heirs and Successors, with one or more sufficient Sureties, in treble the value of the Goods so intended to be Imported, that the same shall (the danger of the Seas excepted) be Landed accordingly ; and so as a License be also first taken, under the Hands of the Commissioners, or Chief Managers of the Customs, or three of them ; or from the Chief Customer or Collector where such Bond is given, for the Landing and Importing thereof, as aforesaid ; which License they are to Grant without any Fee or Reward, or any other Charge to the person demanding the same.

LV. The Penalties and Forfeitures of the Bonds, which by this Act, or any other former Law, or Usage, are to be given or have been given in *Ireland*, for any Wool, or any the Commodities aforesaid, intended to be Exported from thence, to be brought into *England* or *Wales* as aforesaid, shall not on any consideration whatsoever, be Granted or Assigned over to any person whatsoever ; and all such Grants and Assignments, are, and shall be void to all intents and purposes.

LVI. The Lord High Admiral of *England*, or Commissioners for Executing the Office, shall appoint 2 Ships of the 5 Rate, 2 of the 6 Rate, and 8 armed Sloops, constantly to cruise on the Coast of *England* and *Ireland*, particularly between the North of *Ireland*, and *Scotland*, with Orders to take and Seize all Ships, &c. which shall export any Wool with intent to carry it into Foreign Parts : and the Lord Admiral, or Commissioners as aforesaid, shall send a List of all such Ships and Sloops, and the Names of the Commanders; together with true Copies of their Several Instructions that shall be given, to the Commissioners of the Customs in *London*, within 10 days after such Orders as aforesaid, shall be given.

LVII. All Wool, Ships, &c. that shall be so seized and taken, shall be Forfeited, and all such Wool shall be lodg'd in the King's Ware-house in such Port where it shall be taken or seized, or into which it shall be brought, until it shall be condemned according to Law ; and being so Condemned, shall be exposed publickly to Sale, after 21 days (publick notice being given in writing at the Custom-house of the said Port, and on the Royal Exchange of *London*) by Inch of Candie, to the last and best Bidder: And all Ships, &c. that shall be so Seized and Condemned as aforesaid, shall together with their Guns Tackle, &c. be exposed to Sale in like manner ; the Commander to have one 4th part of the product, of the Wool, Ships, &c. so to be Sold ; one other 4th part shall be to the Officers of the

Ship

Ship, &c. that took the same ; one other 4th part to the Mariners belonging to such Ship, &c. to be equally divided amongst the said Mariners, by the Collectors of the said Port, or such person or persons as shall be Authorized to pay the same ; and the other 4th part thereof to the King, His Heirs and Successors, after a deduction made out of the last 4th part, of all the charges of Prosecution and Condemnation.

LVIII. Every Commander of such Ship or Sloop, neglecting his Duty, by this Act required, or compounding for any Wool, Ship, Vessel, or Boat, as aforesaid, or conniving at the Exportation of any Wool, shall Forfeit all Pay and Wages due to him or them, and suffer 6 Months Imprisonment, and be for ever Incapable of serving his Majesty in any Office in the Navy.

LIX. After the 1st of December, 1699, no Wool, Woolfels, &c. being of the Product, or Manufacture, of any of the English Plantations, in America, shall be Loaden or laid on Board in any Ship, or Vessel, in any place within any of the said English Plantations, upon any pretence whatsoever ; and no such Wool, Woolfels, &c. shall be Loaden upon any Horse, Cart or other Carriage, to the Intent to be Exported out of the said Plantations, to any other place whatsoever, upon the like penalties upon Offenders herein, within any of the said Plantations, as are prescribed and provided by this Act, for the like Offences committed in Ireland : And all Governors or Commanders in Chief there, and all Officers employed in the Customs, or other Branches of the King's Revenue there, are required to take effectual care, that the true Intent of this Act (so far as it relates to the said Plantations) be duly put in Execution.

LX. After the said 24th day of June, every Offender who shall be Guilty of any Offence against this or any other Act of Parliament made for the prevention of the Exportation of Wool, may be prosecuted for the same, by Action, &c. in any of the King's Courts of Record at Westminster ; and thereupon a Capias shall Issue the first Process, specifying the Sum of the Penalty Sued for, and such person or persons shall be obliged to give good Bail, by natural born Subjects or Denizens, to the Officer serving such Process on them, for Appearance ; and shall also at the time of such Appearance, give good Bail, by such persons as aforesaid, in the Court, to answer and pay the Forfeitures and Penalties incurred for such Offence (in case of Conviction) or to yield his, her or their Bodies to Prison.

LXI. After the 29th of September, 1699. the Lord Lieutenant, Lord-Deputy or Lords Justices for the Kingdom of Ireland, are to give Direction in Council, that this Act shall be given in Charge by the several Judges of Ireland, at all the Assizes that shall be held in that Kingdom, to the end, that this Act may be strictly put in Execution. And the Judges are to take particular Accounts from time to time throughout their

their respective Circuits, of the due Execution thereof; and at their return to Dublin, at the end of every Circuit, shall acquaint the Lord-Lieutenant, &c. being in Council, with all Accounts or Informations they shall have so Received, of any Breach of the said Act, or Faults in any of the Officers, to whom the Execution thereof is committed, to the end that the said Chief Governours, or any of them, may be the better Informed and Inabled to provide for the punctual Observation of the same, throughout that Kingdom; of which the said Chief Governours, or any of them, for the time being, shall once every year, lay a particular Account in writing, under his or their Hands, before the King, his Heirs and Successors in Council.

LXII. Star. 11 & 12. Gul. 3. Sess. 2. Cap. Engl. By this Act it is Enacted, that the Statute 10 and 11. Gul. 3. last mentioned, shall not extend to such Woolfells, Shortlings, Mortlings, &c. as shall be necessary for the use of the Gunner, or Boatswain's Stores for any Ship or Vessel only; nor to such Cloth, Serge, Bays, Kerseys, Says, Frizes, Druggets, Cloth-Serges, Shalloons, or other Draperies, Stuffs, or Manufactures, as shall be for Clothes only, for any Mariner or Passenger for wearing Apparel, or Furniture on Board, and shall not exceed the value of 40 Shillings, for any one Mariner or Passenger.

*Nihil tam proprium est Imperij quam Legibus vivere.*

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## An Alphabetical

# T A B L E.

Composed for the Ease of the Reader, in the ready finding out any of the principal Matters, contained in this Abridgment.



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*Fucunda est præteriorum Laborum Memoria.*

AN

A N  
A B R I D G M E N T  
O F

The Act for settling of Estates, &c. in *Ireland*, made  
in the 14 and 15 Years of King *Charles* the Second.

And also of

The Act of the 17 and 18 Years of King *Charles* the  
Second, made for the explaining some Doubts arising  
upon this former Act; and for making some altera-  
tions of, and additions unto the said Act, &c.

**S**TAT. 14 & 15. CAR. 2. SESS. 4. CAP. 2. All Mannors, Castles,  
Houes, Places, Lands, &c. in all and every the Counties, Ba-  
ronies, Cities, Towns Corporate, and Walled Towns in this  
Kingdom, which at any time from and after the 23 day of Octo-  
ber, 1641, were Seized or Sequestred into the hands, or to the use of  
King CAR. 1. or CAR. 2. or otherwise disposed of, or set out to any person  
or persons, use or uses, for Adventures, Arrears, Reprisals or otherwise;  
or whereof King CAR. 1. or CAR. 2. or any Adventurer, Soldier, Reprisa-  
ble person, or others, respectively had and received the Rents and Profits,  
by reason or upon account of the Rebellion or War; or whereof the Ad-  
venturers, Officers and Soldiers now, or formerly of the English Army  
in this Kingdom, or Transplanted or Transplantable persons, their Heirs  
or Assigns, or any other persons whatsoever, upon account of the said  
Rebellion or War, were in Seisin or Possession by themselves, Tenants or  
Agents on the 7 day of May, 1659, or which were set apart, or reserved  
towards the Satisfaction of any the said Adventurers, Soldiers, or other  
persons, in consideration of any Money or Provisions advanced or furnish-  
ed; or for Arrears of Pay, or in compensation of any Service, or other  
account whatsoever, or reserved in order to a Reprizal for such Incum-  
brances as then were, now are, or shall be Adjudged to any persons out  
of the said Lands, or for any other purpose whatsoever: or whereof any  
Custodiam, Lease for Years, or other Grant whatsoever, hath been made;  
or unto which the King's Father or Himself are anywise Intituled upon  
account of the said Rebellion or War; or which are wrongfully detained  
or concealed by any persons whatsoever. As also all Chanteries, Mannors,  
Lands, Rents, Tythes, Pensions, and other Hereditaments whatsoever  
to them belonging, which were in the Seizin or Possession, and out of which  
any

# Acts of Settlement

any Rent or Duty was reserved, by any who by the qualifications of this Act shall be adjudged Innocent Persons ; as also all Lands and Tenements belonging to any Ecclesiastical Persons in their Politick Capacity, and that have formerly by them been Lett in Fee Farm, the Right whereof was in any persons, their Heirs or Assigns, who by the qualifications in this Act are expressed, shall not be adjudged Innocent Persons. As also all Leases that have been made by any Ecclesiastical Persons of any Lands or Tenements belonging unto them in their Politick Capacity, to any persons, their Executors, Administrators or Assigns, who by the qualifications in this Act expressed shall not be adjudged Innocent Persons. And also all Impropropriations and Appropriate Tythes belonging to any persons, their Heirs, Executors, Administrators or Assigns, who by the qualifications in this present Act expressed shall not be adjudged Innocent, are adjudged and declared as from the said 23d of October, 1641, Forfeited to the King, His Heirs and Successors, and are from that time Vested and Settled in the real and actual possession of Him, His Heirs and Successors, without any Office or Inquisition hereafter to be found, notwithstanding the former Proprietors, or reputed Proprietors of the said Estates, or any of them, are not, or have not been Attainted for the said Rebellion or War.

II. This Act is not to extend to the avoiding of any assurance or disposition of Forfeited Lands, &c. made since the 23 day of October, 1641, by any Protestant Adventurer or Soldier, or other person ; or from such persons whose Estates, if they had not so disposed them, would have been confirmed to them by the Rules in this Act limited. Nor to the avoiding of any contract for Lands in Connaught or Clare, made by Protestants or others that purchased any Lands from Persons Transplanted thither ; nor to Intitle the King to the mean Profits of any of the said Forfeited Lands, since the day aforesaid, set out to any Adventurer, Soldiers, or Persons Transplanted into the said Province or County ; or Lett by the late Usurpers for Yearly Rents, or Granted by them, and Confirmed by the King's Declaration of the 30 of November, 1660, and by this present Act, other than such of the said Rents then in Arrears and unpaid, and other than Forfeited Lands concealed.

III. Nor shall this Act be construed to Forfeit and Vest in the King any Honours, Mannors, Lands, &c. on the 23 day of October, 1641, belonging to the University of Dublin, or to any Arch-Bishop, Bishop, Dean, Prebend, Dean and Chapter, or other Ecclesiastical Persons, in their Politick Capacity ; or any other Colledge, Hospital, Church Collegiate or Parochial ; or to the Church-Wardens and Parishioners of any Parish Church for the uses thereof ; or to any Guild, Corporation or Fraternity : or to any Parson, Rector or Vicar of any Parish Church : or to John Lord Arch-Bishop of Ardmagh, or to James Duke of Ormonde, Elizabeth his Duchess, or to any of their Children : or to James late Earl of Roscommon, William Earl of Strafford, Murrough Earl of Inchiquin, Sir George Hambleton, Sir Richard Lane, Sir George Lane, Sir James Montgomery and his Heirs ; or Thomas Radcliffe, Esq;

IV. Nor is this Act to vest in the King, or take away any Estate, Right, &c. from any Protestants, their Heirs, Executors, Administrators or Assigns, who did not joyn with the said Rebels before the 15 day of September, 1643, whereof upon the said 23 day of October, 1641, they were seized or possessed (other than such Estate as they were seized or possessed of, to the use of the said Rebels.) Nor to any Judgment or Decree obtained by them in the late Court of Claims ; or for which any Judgment or Decree shall be confirmed or made by the Courts appointed by the King for the Execution of His Declaration, and Instructions hereafter

ter recited, or hereafter to be appointed for the Execution thereof, and of this Act. Nor to any Estate, Right, &c. of any innocent Papist, or their innocent Heirs, Executors, Administrators or Assigns.

V. All persons, their Executors, Administrators and Assigns, to whom any Lands belonging to such Protestant or innocent Papist have been Assigned, to be first Reprized before any other.

VI. No persons, their Heirs, Executors or Administrators, who enjoyed any of the Lands (Vested in the King by this Act) shall be accountable for the Rents and Profits from the 23 day of October, 1641, until the time of passing this Act (other than such Rents and Profits as by new Contracts stand charged in the Exchequer since the Year 1650, or the Profits of concealed Lands enjoyed without Title) allowed by this Act.

VII. All Honours, Mannors, Lands, &c. Vested and Settled in the King (except before excepted or provided for as aforesaid) to remain in the King, His Heirs and Successors, to the intent to be Settled, Confirmed, Restored or Disposed to such uses, and in such manner as in and by the said Declaration, and Instructions hereafter following, and by this present Act is Declared, Limited and Appointed.

Then next after this Clause follows the King's Declaration *Verbatim*, Dated at Whitehall the 30 day of November, 1660, for Settling the Estates and Interests of Adventurers, Soldiers, &c. here in Ireland. And after that follows the King's Instructions to the Commissioners how to proceed, &c. which Declaration and Instructions being very long, and the several Clauses in them inserted in this and the following Act of Parliament, and (with some alterations in some of them) Ratified and Confirmed, I have therefore (that I may not swell this Work beyond its intended bulk) purposely passed them by; and must refer such Readers (as desire to peruse them) to the Statutes at large, where they may satisfie their curiosit.

VIII. After the inserting of the said Declaration and Instructions, then follows, And be it further Enacted that the said Declaration, Instructions, and all and every Article, Clause and thing, Powers and Authorities therein, or thereby given or contained, with and under the Provisoes, Additions and Alterations in this Act mentioned and expressed, be, and are hereby Ratified and Confirmed.

IX. Power given to the King to appoint such, and so many other Commissioners as he shall think fit, to put in Execution his said Declaration and Instructions, and this Act; and the Commissioners to take the Oath mentioned in this Act before they act any thing in the Execution of their Commission for that purpose: And the Officers also to be employed by them in such Service, to take the Oath appointed by this Act, and to take as a recompence for their pains, such Fees and Rewards only, and no other, as by the Lord Lieutenant, or other Chief Governour or Governoours shall be appointed.

X. The days appointed by the King's Declaration for the performance of all the things therein mentioned, are by this Act enlarged to further times, and a time limited for making Claims (all which Periods and Limitations of times expired in the Year 1663.) But were again enlarged (in the same Session of Parliament, Chap. 12.) And after the times mentioned there, no Claims to be received; but the Parties to be without Remedy, and debarred for ever.

XI. Doubts raised concerning the exposition of some words in the King's Declaration, explained and resolved.

XII. Charles Earl of Mountrath to be paid his Arrears due for Service in Ireland before the 5 of June, 1649, so as the same exceed not 6000 pounds. And all publick Debts for Necessaries for the support of the Army in Ireland,

# Acts of Settlement

*Ireland*, to be paid out of forfeited Lands and Houses. And such persons as stand any ways obliged for the said Debts, their Heirs, Executors, and Administrators, ('till satisfaction be made to them) to be saved and kept harmless, and not liable to any suit or prosecution against them.

XIII. The Town and Lands of *Ballyanin, Garriduffe, East-Ballyvodick, West-Ballyvodick, and West-Ballintobridge* in the Barony of *Barrimore*, and County of *Cork*, Sett out to Sir *Gibon Brodrick*, Knight, in 1654; are settled upon him and his Heirs and Assigns for ever.

XIV. The King's Lieutenant, Deputy, Justice or Justices, or other chief Governor or Governors of this Kingdom, to apportion the Costs and Charges expended by the Commissioners and others in the execution of their Offices; and to be equally satisfy'd by the whole Adventurers, Officers and Soldiers, that have Lands for Adventures or Arrears; and all Adventurers their Heirs, and Assigns, whose Estates are to be confirmed pursuant to the King's Declaration, to pay such Sums as any 5 or more of the Committee of Adventurers sitting at *Grocer's-Hall, London*, shall think fit, such Sum not exceeding Two-pence in every 20 Shillings adventured by such Adventurer; and persons appointed to receive it, with power to levy the same by Distress in default of Payment.

XV. Dame *Elizabeth Willoughby*, Executrix of Sir *Francis Willoughby*, and her Assigns, admitted to ask and receive satisfaction for her Husband's Arrears out of the Securities set apart for satisfying the Arrears of the Commissioned Officers before the 5 of June, 1649.

XVI. This Act, nor any other Act or Acts past, or made to be past, or made in this Parliament, shall not attaint or convict, or be otherwise prejudicial unto *Dudley Bagnel*, Esq; Son and Heir of *Walter Bagnel*, Esq; late of *Dunlickny* in the County of *Catherlough*, Esq; deceased; nor to *Henry Bagnel*, Brother to the said *Dudley*; nor to *Catherine Corbet*, alias *Bagnel*, Sister of the said *Dudley*, nor any of their Heirs or Issues lawfully begotten, but that they may hold and enjoy their Estates and Interests which did of right belong unto the said *Walter Bagnel* on the 23 day of October, 1641, or at any time after. But this Act is not to prejudice or alter the Right of Sir *John Temple*, Kt. Master of the Rolls, in this Kingdom; or his late Mother the Lady *Temple*, had in the Year 1640, to any Lands belonging to *Walter Bagnel*, Esq; late Father of the said *Dudley Bagnel*, lying within the County of *Catherlough*; saving nevertheless to all others such Right and Title as they might have had as fully as if this Provision had not been made.

XVII. So much of the forfeited Lands in the Towns of *Lispopell, Nutftown, Wegetown, and Cordenstown*, in the Barony of *Balrothery* in the County of *Dublin*, containing (according to the Town-Survey) 1249 Acres, to be held and enjoy'd by *George Rawden*, Esq; his Heirs and Assigns for ever, as shall amount to a full satisfaction of the publick Debts due to him, amounting to 2324 Pounds, 10 Shillings and 4 Pence. And in case the said Lands, or so much as will satisfy the said Sum, be not forfeited; or that so much thereof shall be restor'd, as the residue thereof will not be sufficient to satisfy him, then he to be reprized by some other forfeited Lands in the County of *Dublin*.

XVIII. This Act not to prejudice any Protestants or innocent Papists, their innocent Executors or Administrators holding Tythes by Lease from the Crown, by reason of any Forfeiture that may be had for Non-payment of the Rents reserved thereon for the time past, but that they may hold the same during their Terms.

XIX. Nor is Sir *Robert Meredith*, Knight, nor his Son Sir *William Meredith*, Baronet, to be prejudic'd in the Lands of *Green-Hills*, heretofore called *Bijop's-Court*, near the *Liffie* in the County of *Kildare*.

XX. The

XX. The forfeited Lands assigned unto Sir *William Petty*, Knight, by the Name of *Dr. William Petty*, and by him possessed the 7 day of *May*, 1659, to be confirmed unto him, his Heirs and Assigns for ever.

XXI. The Mannors, Lands, Tenements and Rents, whereof any Arch-Bishop, Bishop, Dean, Dean and Chapter, or any other Ecclesiastical Persons whatsoever, in their Politick Capacity were actually seized, or by themselves or Tenants possessed in the Year 1641, and through the fury of the times have been dispossessed, to be forthwith restored, and they settled in the peaceable Possession thereof. The Right of others (other than such persons, their Heirs, Executors, Administrators and Assigns, who are not or shall not, according to the Qualifications in this Act, be adjudg'd innocent Papists) is saved by this Act.

XXII. Leases granted for any certain Term of Years, unexpired by any Arch-Bishop, &c. or any other Ecclesiastical Persons, of any of their Church Lands, and that are by this Act forfeited or vested in the King; the same Lands, and the Remainder of the Term unexpired of such Leases, are given and confirmed unto the respective Sees or Bodies Politick to whom the Reversions belong, except the remainder of the Term of Years unexpired of such forfeited Leases of any of the Lands lying within such parts of the Counties of *Wicklow*, *Longford*, *Leitrim*, and *Donegal*, and the *Mile-Line*, as by this Act are assigned to the Officers that served before the 5 of *June*, 1649, they and their Executors, Administrators and Assigns paying such Rents, and performing such Covenants to the said respective Sees Reversioners as the Lessees paid, or ought to have paid in the Year 1641, during their Terms unexpired. Excepted also all forfeited Leases that exceed the Term of 60 Years of any Chauntry Lands or Houses lying within the Security of the said Officers, and were not surrendred nor sentenced to be surrendred to the Church in or before the Years 1640 or 1641; the remainder of which Term unexpired being esteemed part of the security of the said Officers, they paying and performing as aforesaid, or two Shillings in the Pound at the improved value (to be ascertained as aforesaid) at the Election of the Bishop of the Diocese.

XXIII. Out of the Lands belonging to any Arch-Bishop, Bishop, &c. or other Ecclesiastical Persons, which have been granted in Fee-Farm, and by this Act are forfeited and vested in the King, to be allotted and set out for the better support and maintenance of the Arch-Bishops and Bishops hereafter named, and their Successors for ever; that is to say, To *James* Lord Arch-Bishop of *Dublin* and his Successors for ever, so much of the said forfeited Lands as shall make up the Rent of that Arch-Bishoprick and the Bishoprick of *Glendelough* thereunto united, of the clear yearly value of 2000 Pounds Sterling, over and above the Mansion-House and Gardens of *St. Sepulbre's* in and near *Dublin*, and the *Demeufne* Lands of the Manor of *Tallagb*, and the *Mensall* Lands thereunto belonging. To *Thomas* Lord Arch-Bishop of *Casbel* and his Successors for ever 300 Pounds Sterling per Annum. To *Thomas* Lord Bishop of *Kildare* and his Successors for ever 700 Pounds Sterling per Annum. To *William* Lord Bishop of *Clonfert* and his Successors for ever 200 Pounds Sterling per Annum. To *Robert* Lord Bishop of *Fern* and *Laugblin*, and his Successors for ever, 300 Pounds Sterling per Annum. To *Edward* Lord Bishop of *Limerick*, and his Successors for ever, 300 Pounds Sterling per Annum. To *Griffith* Lord Bishop of *Ossory* and his Successors for ever 400 Pound Sterling per Annum. To *Edward* Lord Bishop of *Killalow* and his Successors for ever 200 Pounds Sterling per Annum. And to the Provost of *Trinity College* near *Dublin* (out of the forfeited Lands in the Arch-Bishoprick of *Dublin*) and his Successors for ever 300 Pounds per Annum.

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**XXIV.** The Arch-Bishops and Bishops, aforesaid to have their Lands set out within their own Bishopricks if there be Lands sufficient; and if not, then such of them as is deficient to have the remainder set out and allotted unto it, out of the forfeited Lands belonging to the Bishopricks that superabound, and which is most contiguous and convenient as will make up such sufficiency in proportion to the value aforesaid. The same Lands to be set out, and the valuation thereof to be performed in such manner as the Lord Lieutenant, or other Governour or Governours of this Kingdom shall direct, before any part of the said Lands be otherwise disposed of. And out of all the said Lands so to be set out, the same Rent shall be reserved and payable to the King, as by this Act is reserved and payable to him by the Adventurers and Soldiers, to be held of Him, His Heirs and Successors by the Tenure of *Frank, Almoyne*, or other Service and Tenures as the same were held before the making of this Act.

**XXV.** All Impropropriations or Appropriate Tythes forfeited to, or vested in the King, His Heirs and Successors, by this Act; or otherwise forfeited and escheated to him in right of his Crown (if there be no Leafes thereof in being unforfeited, or as soon as such Leafes are expired or otherwise determined) are given to the Church for ever; and settled upon the present and future Incumbents and their Successors, having the actual Cure of Souls in those Parishes where such Impropropriations are, and such Improperiate Tythes do arise; reserving such Portion thereof to be settled upon the Vicars and Quire-Men of each Cathedral Church for the encrease of their maintenance as the Lieutenant or other, &c and Council at any time before the 1 of January, 1664, shall think fit; they, the said Incumbents and their Successors, paying to the King, his Heirs and Successors, such Rents and Duties as were formerly paid for the same; with such increase of Rents as by the said Lord Lieutenant, &c. with 6 or more of the Council, shall be adjudged reasonable within the space of two Years from the passing of this Act, and not after; or from the said expiration of the said unforfeited Leafes respectively.

**XXVI.** Nothing in this Act shall extend to the disposing or altering of any Impropective Rectories or Tythes, or Rents enjoyed by or settled on the Lord Lieutenant or other, &c. or which are enjoyed by the Lords Presidents of *Munster* and *Connaught*, in right of their Places: And that the Lord Chief Justice of the King's-Bench, and Lord Chief Baron of the Exchequer, and Master of the Rolls, or any other of the King's Officers, shall, and may have and receive such Port-Corn of the several Rectories which formerly have been paid and reserved.

**XXVII.** The Lord Lieutenant, or other Chief, &c. to allot to such Persons (who by the Rules of this Act may be restored unto the said Rectories Impropective, in case no such Annexation has been made) such recompence out of the same Impropropriations as to him or them shall be thought most fit; which recompence so to be Assigned shall be received and enjoyed accordingly.

**XXVIII.** Out of every 100 Acres of forfeited and escheated Lands vested in the King, and not actually disposed of, 2 Acres to be set apart for Glebe in every Parish, Barony and County, most contiguous and convenient for the several Parish Churches in such Places situate or to be situated; and out of such Lands already disposed and confirmed by this Act to the Possessors; they to pay so much Money as will purchase such number of Acres of the aforesaid measure and same quality within the said Parish, as the Lands out of which the same Acres should have been taken, shall be adjudged. The same Rent to be paid to the King, his Heirs and Successors, and in the same manner by the Incumbents and their Successors, enjoying

joying the said Lands so set out for Glebes, as the said forfeited Lands (out of which they are taken) are by this Act ordained to pay.

XXIX. Out of all forfeited Chauntries, and the Lands thereunto belonging, vested in the King, and assigned, or intended to be assigned to any Commissioned Officers, their Heirs or Assigns, who served the King or his late Father, in the late Wars of *Ireland*, at any time before the 5 of June, 1649, and received no satisfaction for the same; and which paid any Rent to the Church in the Years 1640 and 1641. There shall be paid for ever by them so enjoying the said Premises, the Rents and all other Duties formerly paid to the Church, in lieu thereof 2 Shillings for every Pound of improved value at the Election of the Bishop of the Diocess. The Rents to be ascertained with all convenient speed by the Chief Governor, &c. and the Council, or whom they shall appoint. And the Rent to be paid to such Rectory or Vicarage that is, or shall be, of the Church wherein such Chauntry was erected; or otherwise to such Ministers of the Diocess as the Bishop thereof thinks fit. And such Rents to be in lieu of all Crown Rents, and other Acknowledgments whatsoever payable out of such Chauntries or Lands.

XXX. Out of all Lands, &c. set in Fee-Farm by the Bishop of the Diocess wherein such Lands are, upon which any Rent was paid to the Church in the Years aforesaid, and which are forfeited, &c. and are assigned, or intended to be assigned to such Officers as aforesaid; there shall be paid for ever by them in lieu, &c. Two Shillings in the Pound at the improved value to be ascertained as aforesaid.

XXXI. And out of the several Houses forfeited and vested as aforesaid, lying in the several Walled Towns, Cities, Corporations and Burroughs in this Kingdom, and assigned for satisfaction as aforesaid. That every Arch-Bishop, Bishop and Minister, whose Houses in any of their respective Diocesses or Livings within the said Town or Suburbs, are wasted or not habitable, shall have set out to them an handsome convenient House Rent-free (other than the Rent payable to the King) to be paid by them during the said Term, according to the values to be set upon the yearly Rent of such Houses set out, as aforesaid, for the space of 7 Years, to begin from the day such Possession is given; the same to be in the most convenient place for the Minister's Residence. And every Arch-Bishop and Bishop to have his own choice of the best forfeited House and Garden within the City or Suburbs where his Cathedral is, during the aforesaid time. And such Arch-Bishop or Bishop, or other Minister, having no House or Housestead belonging to their Sees or Rectories lying within the said Town, then a convenient House out of the Houses aforesaid, or Housestead at their Election, shall be set out to them and their Successors for ever, under the Rent reservable to the King for the same, by this Act, to be paid by them and their Successors.

XXXII. All manner of Proceedings and Orders to be made by the Commissioners, in pursuance of their Commission, and according to the King's Declaration and Instructions, and this present Act, that have express reference to the Settlement of the Interests of the Church, shall by virtue of this Act be as good and effectual in the Law, to all intents and purposes, as if the same had been particularly mentioned and set down by Authority of this Parliament.

XXXIII. The recompence to be given by any of the Protestant Officers who served in the Wars, as aforesaid, in respect of any Buildings or Repairs of any Messuages or Tenements herein before appointed as a security for their Arrears, shall not exceed a 5 part of the real Value in case they were to be sold (Messuages new built from the ground only excepted)

# Acts of Settlement

ed) nor no recompence to be given in respect of any Buildings or Reparations begun since the 30 day of November, 1660. And where choice Houses or particular Lands are appointed for Arrears of Officers, they may be set out to them in all other things according to the Valuation and Rules given by the King, for setting the rest of the Security, and not otherwise, excepting the Houses and Lands Granted to Sir George Lane, Knight.

**XXXIV.** If any Inhabitants or Natives of Cities and Walled Towns, be restored to their ancient Proprieties, then so much of the Lands in those Baronies reserved to reprise such Inhabitants and Natives, in case of Exclusion from their Properties, shall be reprized to the said Officers in lieu of what shall be restored to the former Proprietors.

**XXXV.** Where Burroughs, Corporations, or Towns actually continuing Incorporated in the Year 1651, were Allotted to Adventurers or Soldiers, and measured as part of their Land, the said Burroughs, &c. are Assigned towards the payment of the Arrears of the said Officers before the 5 of June, 1649.

**XXXVI.** James Duke of Ormonde, the Earl of Inchiquin, and Executors of Sir Philip Percival, Knight, deceased, late Commissary of the Victualls of Ireland, to be satisfied their Arrears for Service before the 5 of June, 1649, among the rest of the said Officers out of the aforesaid Security, and equally to enjoy all Benefits with them.

**XXXVII.** In stating of the said Arrears, no Officers to be allowed Arrears for Service in Ulster, but such as were of the Army called the British Army; and no Company or Troop to be allowed but those that were Regimented or Mustered by the Commissary of the Musters. And James Duke of Ormonde, the Earl of Inchiquin, and such Protestant Officers served under the Lord Lieutenant at that time, between the 5 of June, 1649, and the 10 of December, 1650; and never served in any Army after that under the King's Authority, to have their Arrears stated for that time, and to be allowed satisfaction for the same.

**XXXVIII.** Adventurers and Soldiers whose Lots were set out of the Lands of James Duke of Ormonde, and not reprized, to be satisfied out of the remaining forfeited Lands in the County of Catherlough, and Moyeties of the 10 Counties appointed for such purpose; and such as have, or shall be removed by reason of the Restitution of the Earl of Rosscommon, to be reprized in such sort as deficient and other Adventurers are by this Act intended to be satisfied.

**XXXIX.** Arthur Earl of Essex and Thomas Lord Culpepper, and all other persons, their Heirs and Assigns, who subscribed and paid in their Monies, as Adventurers for Lands in Ireland, according to the Act or Acts passed in the Parliament at Westminster, 16 Car. 1. and have not had Certificates according to the same, upon producing the Original Receipts of the Monies so paid in, or sufficient Proof thereof before the Commissioners, shall be entitled to demand and have satisfaction for their Monies, by a full and equal proportion of Lands out of the Counties heretofore set out for Adventurers; or elsewhere, unless they have received or accepted satisfaction for the Original Monies so adventured, out of Church or Crown Lands.

**XL.** Where any Adventurers have delivered up their Original Receipts, and taken Certificates from any 5 or more of the persons late sitting at Grocers-Hall, the same shall be as effectual as if the Original Receipt had been produc'd: And persons producing such Certificates, shall have so much and no more forfeited Lands of the Moyeties of the 10 Counties aforesaid, or elsewhere. And such Number of Acres, English and Irish Measure, as by virtue of the said Certificates shall be certified to be due to them: But if

if the said Certificates do contain more Acres than ought to be given for the Original Money, then such Certificates shall entitle them to no more Lands than are justly due for the Original Subscription and Money paid.

XL. Nothing in the Declaration, Instructions, or this Act, shall be expounded to give any Right or Title to Adventurers, their Heirs or Assigns, who adventured their Monies upon any Ordinances of Parliament made in the Years 1643 and 1647, commonly called the doubling Ordinances, to have any further satisfaction out of the forfeited Lands aforesaid, than according to the Monies paid *bona fide*, and to be satisfied with the like proportion of forfeited Lands according to Irish Measure, as other Adventurers who advanced their Monies upon an Act of Parliament made at Westminster, 16 Car. 1. Intituled; *An Act for the further Advancement of an effectual and speedy Reduction of the Rebels in Ireland, to the Obedience of His Majesty and Crown of England*, may or ought to have had, any Allotment to the contrary thereof notwithstanding. Nevertheless it shall be lawful for them, their Heirs and Assigns, to receive so much of the Overplus of such Lands so allotted to them, as shall be sufficient to make good any Deficiencies of other Adventurers. Any right of recompence for Incumbrances intended to be satisfied out of the County of Kildare, or any Arrears of Pay before the Year 1649, due by Debentures for the aforesaid British Army, to the said Adventurers, their Heirs or Assigns, or purchased by them, to be satisfied according to the Rules and Rates with the other Arrears before 1649.

XLII. If any Adventurer, his Heirs or Assigns, shall be possessed of any Lands by Concealment, false Admeasurement, or by pretence of the doubling Ordinance, over and above what will satisfy the principal Monies so advanced, according to Irish Measure, and shall have no deficiencies or Incumbrances to place thereon, or be otherwise Intituled to retain the same, then such Parts to be cut off shall be taken away from them as lie most contiguous, and so as they may stil keep the Benefit of their Improvements.

XLIII. The Commissioners to proceed in the Execution of their Commission against persons claiming any Priviledge of Parliament, and against all the Lands, &c. vested in the King, or charged with any yearly Rent, or Sums, or Payments whatsoever, to be issuing out of the same. And all Rules, Orders, Judgments and Decrees made by them pursuant to the King's Declaration and Instructions, and this Act, to be obey'd as fully against all persons, and their Lands, Goods and Chattels, as the same ought to have been if no Parliament had been then sitting; and all Officers and others assisting to be indemnified.

XLIV. The Letters Patents made to Sir Maurice Eustace, Knight, Lord Chancellor of Ireland, Edward Vernon, Esq; Michael Lord Bishop of Cork, and Sir George Lane; and all other Letters Patents whereby any of the Premisses hereby vested, have been given by the King to any others under the Great Seal of England or Ireland, before the 30 day of November 1660. Or since by virtue of any Warrant under the King's Signet or Sign Manual, and dated before that time, are ratified and confirmed, against the King, His Heirs and Successors, and all other persons whose Rights are not saved by this Act. And all the said Premisses so given to be subject to such Rents and Payments, and to be held by such Tenures and Services, as any other Lands intended to be confirmed by the King's Declaration and Instructions, or by this Act ought to yield and pay. And if any of the said Grants be made at a less Rent than such a proportion of Acres ought to pay according to this Direction, then a Survey being first taken, such Addition is to be made as will equal it, and make it agreeable to this Rule, without any further prejudice to the said Grants.

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**XLV.** The Right of others (other than the King, His Heirs and Successors, and such others who by the Qualifications in this Act shall not be adjudged innocent, and all claiming to their use, and other than to John Blackwell, and his Heirs and Assigns, and all claiming under him or them any Estate or Interest in, or to the Mannor, Town or Island of Clontarffe, or any part thereof) is saved by this Act.

**XLVI.** All Letters Patents whatsoever Granted of any of the Premisses (vested as aforesaid) under the Great Seal of England or Ireland, since the 30 of November, 1660, by vertue of any Command as aforesaid, and dated since that time, are ratified and confirmed, to be held under the like Tenures and Services, and subject to like saving of Rights, as any other Letters Patents herein before mentioned to be Confirmed, are subject unto. Provided that if the King, His Heirs or Successors, be minded to make void any of the Letters Patents Granted since the 30 of November, 1660, as aforesaid, and shall under the Great Seal of England or Ireland declare which and how many of them shall be void; that then the same shall cease and determine, and be utterly void, and the Lands and Tenements mentioned therein shall be again vested in the King, to the same purpose as other Lands hereby vested, are vested and settled.

**XLVII.** Where any Lands or Tenements shall be disposed of, or any persons happen to be restored to their Lands by vertue of this Act, or any Order or Decree of the Commissioners; in such case the persons formerly seized or possessed thereof, to be discharged from all Sutes and Demands concerning the same, Rents or Profits of the same; saving nevertheless unto all innocent Persons, their Heirs, Executors, Administrators, and Assigns, the Right and Title to the mean Profits received since the time of their Claims put in before the Commissioners.

**XLVIII.** Provided that the forfeited Houses and Lands in the Town and County of *Gallway*, and elsewhere in the Province of *Connaught*, in the Possession of Sir Thomas Clarges, Knight, or his Assigns, shall remain in the King, his Heirs and Successors, to be disposed of as he or they think fit.

**XLIX.** All Adventurers, their Heirs, and Assigns, and all other persons claiming to have any Lands or Tenements as original Adventurers, or under others, any benefit of Settlement, Confirmation or Reprizal, or any other advantage by this Act, to pay to the King one full Year's value of the Profits issuing out of the Lands possessed and enjoyed as aforesaid, to be paid at two Payments within the space of two Years, by even and equal Portions, the first Payment upon the first Day of November, 1662, and the second Payment upon the first Day of November, 1663. All Soldiers, their Heirs or Assigns, or any claiming under them, to pay but half a years value of the Profits issuing out of the Lands possessed and enjoyed by them, in satisfaction of Arrears, to be paid at one intire Payment upon the first Day of November 1662. And in default of Payment, either by Adventurers or Soldiers, or any claiming under them, by the space of 20 Days after any of the Days or Times wherein the same ought to be paid, then such Defaulters to lose all benefit and advantage accruing to them by this Act; and they, and their Lands to be proceeded against as if they had not been comprised within this Act.

**L.** The King at his pleasure to appoint such Commissioners (being none of the Commissioners for executing the Declaration and Instructions, and this Act) as he thinks fit; who may impannel Juries, examine Witnesses, or Swear the Parties concerned, or cause the Lands to be viewed and surveyed, or by any other lawful ways inform themselves of the true yearly value of all Messuages, Lands, &c. possessed by any Adventurer or Soldier, or other claiming any benefit under them by vertue

tue of this Act, as the same were worth in the year 1659, and to declare the true yearly value of the same; and to enter the same in a Book to be kept for that purpose, and return a Duplicate thereof into the Exchequer, to remain as a Record to be a charge upon all Messuages and Lands therein mentioned, and Intitle the King to receive a years value or half a years value according to that Rate in such manner as before Limited: Which respective Sums so ascertained, shall under the Penalties before-mentioned be paid to *Roger Earl of Orrey* and *John Lord Viscount Massareen*, appointed by the King to be Receivers, or such Persons as he shall afterwards appoint, who shall Accompt in the Exchequer for what they receive, and they to observe such directions as has been given by the King already, or shall afterwards be given.

L1. Provided that all Lands settled or conveyed before the first day of May, 1662, on *Eraspus Smith*, Esq; for any Pious or other Charitable use, shall be exempted from paying the years Rent herein before imposed.

L2. Forfeited Leases of any Messuages or Lands not exceeding 31 Years, or 3 Lives from the 20 day of October 1641, the immediate Reversion or Remainder whereof belongs to any Innocent Protestant or Papist, may be Granted by the Lord Lieutenant, or other Governour or Governours by any Deed under his or their Hands and Seals, unto such Innocent Reversioners, who by vertue thereof may hold and enjoy the said Leases against the King, His Heirs and Successors, and all other persons.

L3. *Donnough Earl of Clancarty*, and *Charles Viscount Muscry*, his Son, are restored to their Blood, Honour and Estates in the Kingdom of Ireland, which they, or either of them, or any for their use, held and enjoyed on the 22 of October, 1641, or at any time since, under the same Tenure, Rents and Services as the same were then held: The Right of others (other than the King, His Heirs and Successors, and all claiming under him or them) is saved by this Act. And all such Persons as are dispossessed of any part of their Estates by reason of this Restitution, who are Reprizable, to be forthwith Reprized in Lands of equal Worth and Value.

L4. Sir *Connel Farrel*, Knight, is restored to such Estate as belonged to *John Farrel*, his Father, or unto himself, or either of them on the day aforesaid, or at any time since, under such Rents, Tenures and Services, as they were formerly held. And Cornet *Robert Meredith* and such others to whom the Premises were set out for Arrears to be forthwith Reprized for the same by other Forfeited Lands of equal Value and Worth, which upon the setting out thereof shall be Vested and Settled in him, and the rest of the persons to be Reprized, and their Heirs respectively.

L5. Sir *William Penn* to be forthwith Reprized to the Value of the Lands whereof he hath been dispossess'd, for the Restitution of the Earl of Clancarty, at the time of his Surrender, and his Improvements of the same: and for the Arrears of Rent quitted to the said Earl: As also for the Rent that would become due until he be possest of a full Reprise, and of such Lands as he holds as Tenant to the King in the County of Cork, so far as the same will extend; and in case of defect, or Restitution of any of the said Lands, to be made up out of other Forfeited Lands of a clear Title and unincumbred, with the first that shall be Reprized. And if the Title of any of the Lands be defective, or liable to Incumbrances that forthwith upon discovery thereof his Reprise shall be made up fully by other Forfeited Lands of a clear Title, and free from Incumbrances.

L6. The Commissioners appointed for the execution of this Act, to set out for the use of *Arthur* and *Martba O Connely*, Orphans of Colonel *Owen O Connely*, their Heirs and Assigns, out of the Forfeited Lands of *Murragh*, *Legtown*, *Westpernon*, *Bernonftown*, *Artain*, *Eremore alias Newhaven*,

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*baven, in the Baronies of Balruddery and Coulock, or elsewhere in the County of Dublin, an Estate of the value of 200 Pounds per Annum, to be chosen out of such of the said Lands for the best Conveniency of the Orphans, under the like Rents and Tenures, and with the like benefit of Reprizals in case of Restitution, Removal or Incumbrance, as other Adventurers are to have; the same Lands to be settled in such manner, and according to such Rates and Values as the Lord Lieutenant, or other, &c. shall direct and appoint.*

**LVII.** Provided that this Act is not to prejudice *Ann Marchioness of Clancrickard*, her Right unto the Lands Settled upon her for her Joynure; but that she, her Tenants and Assigns, may enter into and enjoy the same, as if this Act had never been made.

**LVIII.** This Act is not to prejudice the Grant made by the King's Father unto *George Lane*, Esq; for the use of *Sir George Hamilton*, of the Lands (whereof *John Draycott* of *Mornonstown*, in the County of *East-Meath*, Esq; Attainted of High Treason, and since Deceased) was Seized, or some for his Use in the Year, 1641.

**LIX.** Captain *William Hamilton* of *Lough Currine*, in the County of *Tyrone*, his Heirs and Assigns, to be forthwith satisfied for all Arrears resting due to him for Service done in *Ireland*, out of the Lands of *Sir Phelim O Neil of Kinnard*, Knight, lying in the Barony of *Dungannon*, in the County of *Tyrone*, according to the Rates of 10 Years Purchase free Rent, over and above all Incumbrances and Reprizes whatsoever, subiect nevertheless to the like Rents, Payments and Services, as other the Lands of Officers who served before *June, 1649*, are subiect unto in that Province. And in case the said Lands at the rate aforesaid, shall not satisfie the said Arrears, then to be made up out of the Forfeited Lands lying in the Baronies of *Ardagh* and *Granard*, in the County of *Longford*, at the like rate, and in like manner as aforesaid.

**LX.** Such Forfeited and unrecoverable Lands within, and contiguous to the *Mile-Line*, in the County of *Clare*, that were set out to *Sir Richard Ingoldesby*, Knight of the Bath, and *Sir Henry Ingoldesby*, Baronet, in satisfaction of 1515 Pounds, 11 Shillings and 2 Pence, with their dwelling Houses and Gardens in *Limerick*, of which they were possest the 7 of *May, 1659*, to be Settled and Assured to them, their Heirs and Assigns for ever; they or either of them delivering up to the Lord Chancellor of *Ireland* so many Debentures at 12 Shillings 6 Pence per Pound due to Officers before 1649, as amount to 2000 Pounds, in lieu of the said 1515 Pounds. The same to be held, &c. as other Houses and Lands set out for Services in that Year are set out by this Act; and in case they be dispossessed of any of the said Houses or Lands by virtue of the Declaration, then to have Reprizal for the same in manner as other persons are Reprized by this Act.

**LXI.** *John Farrel*, Esq; the King's Servant, to have Lands of the clear yearly Value of 50 Pounds per Annum, Settled on him and his Heirs out of the several parcels of Land of *Cloenegrha*, *Lacklienagh*, *Clenefort*, *Caproge* and *Cloonderage* in the County of *Longford*, to be held in *Capite, and by the Rent of 20 Shillings a Year.*

**LXII.** Captain *John Bartlet*, and the Heir of Captain *Thomas Bartlet*, their Heirs and Assigns, to be paid what's due to them for their Disbursements in the King's Service before the fifth day of *June, 1649*, according to such Accompts as shall be allowed by the Lord Lieutenant and Council of *Ireland*, out of the Lands, Houses, and other Security appointed for the satisfaction of Commissioned Officers that served here before the said day, in such manner as they are appointed to be paid.

**LXIII.** This

LXIII. This Act is not to extend to any Mannors, Castles, Lands, &c. of which Sir Andrew Aylemer of Donnada, in the County of Kildare, Kt. and Barronet, was seized or possessed of the 22d day of October, 1641; but that he, his Heirs and Assigns, may hold and enjoy the same according to such Right and Title as he or they then had therein.

LXIV. Nor to any of the Lands whereof James Earl of Castlebaven was Seized and Possessed of in this Kingdom the said day; nor to avoid any Right that he and his Heirs might have to, or in any Lands here, but they are restored thereunto. And all persons, their Executors, Administrators and Assigns, having any part thereof set out to them, immediately to be removed; and such of them as are capable of Reprize, to be reprized as others in like case.

LXV. Colonel John Fitz-patrick of Castle-town, in the Queen's-County, restored in Blood, and enabled to derive his Pedigree from any Ancestor; and he and his Heirs restored and vested in the Seizin and Possession of all and every the Lands whereof he or his Father were at any time before the abovesaid day Seized or Possessed: And persons removed from any of the Premises, to be forthwith reprized according to the Merit of the Cause.

LXVI. This Act is not to prejudice the King's Grant under the Great Seal, unto Sir George Preston, Knight, and his Heirs, of the forfeited Mills, Wears and Fishings, upon the River of Shannon, and upon the Sea Coast in the Province of Connaught, in the County of Leitrim.

LXVII. Thomas Cooper and William Rowe to be removed from the Lands purchased by them in the Barony of Denifore, in the County of West-Meath; and the Premises to be delivered to Thomas Pigott, Esq; Master of the Court of Wards and Liveries in Ireland, and unto Mathew Lock, Esq; to have and to hold to them and their Heirs, subject to the Payment of like Rents and Services as the Adventurers for Lands in the Province of Leinster are; and they to have like Benefit of Reprizals in cases of Restitution, as the Adventurers or their Assigns should have had in case they had still enjoy'd the same.

LXVIII. The Grant or Lease made by Randal Marquis of Antrim on or about the 21 day of October, 1637, of the Barony of Care, the Lordship of Bally-Castle, and the Island of Rachlins, and all his Lands within the same unto Alexander Macdonnel, John Moor, Archibald Stewart, and John Trayleman, for 99 Years, to be of the like Force as the same was before the making of this Act: and is transferred from the Lessees, and Vested in Martin Noel, Thomas Carleton, Citizen and Mercer of London, and John Bradborn of the Middle-Temple, London, Gent. to hold the same from thenceforth upon Trust, that they, their Executors and Administrators, shall from time to time employ the Monies they shall raise or receive out of the Premises towards the payment of such Debts of the said Marquis as are yet unpaid, and were intended by the said Lease to be secured; and all reprizable Persons Seized or Possessed of any part of the Premises, to be forthwith reprized for so much as shall be adjudged from them by virtue of the said Lease.

LXIX. Thomas Earl of Southampton, Lord High Treasurer of England, Anthony Ashley Lord Ashley, Sir Orland Bridgman, Knight and Barronet, Lord Chief Justice of the Common-Pleas, and Sir Henry Vernon, to have and to hold to them and their Heirs, the Castle, Mannor and Abbey of Eiscorthy in the County of Wexford, and all the Lands late parcel of the Possessions of Robert Wallop, called Kisberk, Clony, Turnefallough, and Effernock, and all the Priory or Rectory and Church Impropriate of Salsker, in the said County of Wexford, with all Tythes, &c. thereunto belonging:

And

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And all other the Messuages, Lands, &c. whatsoever in the Kingdom of Ireland, Granted to them the 26 day of November, in the Thirteenth Year of the King's Reign, which Letters Patents are Confirmed by the Act.

LXX. Sir *Richard Ingoldesby*, Knight of the Bath, to take and receive to his own use the Rents and Profits of all the Lands belonging to Sir *Hardress Waller*, and forfeited by his Attainder for High-Treason, and all the Goods and Chattels formerly belonging to him, and also forfeited, wherefoever the same shall be found in Ireland, until the said Sir *Richard Ingoldesby* shall out of the said Rents, and by reason of the said Goods and Chattels, be paid 2000 Pounds with Interest since the Year 1658, or so much thereof as remains unpaid, he accounting for and paying the Overplus (if any be) to the King.

LXXI. Sir *George Lane*, Knight, his Heirs and Assigns, to have and to hold all the Lands wherein he had any Estate in Possession, Reversion or Remainder, on the 15 day of September, 1650; and also all Castles, Manors, Lands, &c. which he, or any in Trust for him, or to his use, hath or have purchased from *Thomas Dutton*, Esq; Son and Heir of Sir *Thomas Dutton*, Knight, deceased: and also from Sir *John Norton* of Rotherfield, in the County of Southampton, Baronet, lying in the Counties of Longford and Leitrim, containing 2600 Acres of profitable Land, be it more or less; and also all the Lands whereof *John Cook* and *Philip Hore* late attainted for High-Treason, or any to the use of them, or either of them, were seized or possessed on the day they respectively committed their several Treasons, or at any time since; and which were Granted by the King's Letters Patents under the Great Seal of Ireland, unto the said Sir *George Lane* and his Heirs, according to the Meaning thereof. All which said Mannors, Castles, Lands, &c. to be held by him, his Heirs and Assigns, with like Benefit of Reprizal in case of Restitution, as any Adventurers ought to have, saving to all others, (other than the King and his Successors, and other than to *Thomas Dutton*, Sir *John Norton*, *John Cook*, and *Philip Hore*, or the Heirs, Executors, Administrators or Assigns of any of them, or any claiming to the use of any of them or other than to such persons, their Executors and Assigns, who shall not be adjudged innocent) all Right and Title.

LXXII. The Lands in the Possession of *George Duke of Albermarle* or his Assigns, which are or shall be confirmed to him, his Heirs, and Assigns, in pursuance of this or any other Act of this Parliament, or Grant from the King, shall remain to him, his Heirs and Assigns for ever, to be held in free and common Socage, as of the King's Castle of Dublin by Fealty, and 10 Pounds yearly Rent payable at the Receipt of the King's Exchequer, at Michaelmas and Lady-day yearly by equal Portions, freed and discharged of all other Rents and Services to the King, his Heirs and Successors.

LXXIII. The Town of *Mullingar* in the County of Westmeath, with all Houses and Lands thereunto belonging, forfeited to the King, are settled upon Sir *Arthur Forbes*, Baronet, and his Heirs for ever, according to a Grant made to him by Letters Patents under the King's Great Seal of Ireland, dated the 27 day of July, in the 13 Year of his Reign.

LXXIV. The Arrears of *James Duke of Ormonde* and *Robert Earl of Leicester*, according to the Commands they bore in Ireland at any time before the 5 day of June, 1649, to be satisfied (out of the Lands and other Securities by this Act laid out and ascertain'd for the satisfaction of such Officers) to them according to the Rate, and in the same manner as such Arrears are to be paid.

LXXV. The forfeited Lands of *Philip Barrioge*, viz. one Plowland called *Rincorran*, one Plowland called *Ragmore*, and one Plowland called *Precbans*, lying in the Liberty of Kinsale; half a Plowland called *Togermeshim*, half

a Plowland called *Currenty Leabane*, half a Plowland called *Knocknenaffy*, half a Plowland called *Ballyneclashy*, and one quarter of a Plowland called *Ballinvallin*, lying in the Barony of *Kinelea*, in the County of *Cork*, all containing by Estimation 1372 Acres; as also parcel of the forfeited Lands of *James Mellipont*, viz. one Plowland called *Southwaters Land*, wherein is the Place called *Cilly and Benson's Cowe*, containing about 160 Acres, lying in the Liberty of *Kinsale*, to be held and enjoy'd by *Robert Southwell* of *Kinsale*, Esq; his Heirs and Assigns for ever, in satisfaction of 700 Pounds by him furnished for the Supply of the Fleet, 1648, subject nevertheless to the like Rents and Services, and with like Benefit of Reprizal, in case of Restitution, as any Adventurers ought to have; and also like Benefit of Reprizal, in case the same be due to any Adventurer or Soldier, by vertue of this Act.

LXXVII. The Lordships of *Templetown*, *Moretown* and *Mouglough* in *Cowley*, in the Diocese of *Ardmagh*, the Lordship of *Kilsaran*, and *Restories* of *Monasterboies*, *Desart*, *Clougegan*, and the Lands of *Termon*, *Feigham*, *Douller* and *Downan*, are settled and vested in *William Legg*, Esq; one of the Grooms of the King's Bed Chamber, his Executors and Assigns for 99 Years, to be accounted from the determination of one or more Lease or Leases made to *Sir Thomas Plunkett*, Lord of *Lowth*, or to any other under such yearly Rents and Services as any Adventurer ought to pay within the Province where the Premises do lie, unless the former reserved Rents were greater, and then the highest Rent to be paid.

LXXVI. Colonel *Carey Dillon*, besides the Lands Assigned to him within the Mile Line of *Connaught* and *Clare*, to receive further and equal satisfaction, with other the Commissioned Officers that are to receive satisfaction for their Arrears due before the 5 of June, 1649, for his Service in *Ireland* before that time.

LXXVIII. The several Estates, Riches, Titles and Interests belonging to any Innocent Persons, Bodies Politick or Corporate, or to their Innocent Heirs, Executors, Successors or Assigns, to be saved to them respectively, any thing herein to the contrary notwithstanding.

LXXIX. All Estates for Life or Lives, or Years, and other Estates whatsoever, whereof *James Duke of Ormonde* or his Dutches, or any in Trust for them, or either of them, had the Reversion or Remainder the 22d day of *October*, 1641, or at any time since; and which by vertue of this Act or otherwise are become Forfeited to the King; and all Judgments, Statutes, Recognizances, and other Securities for Money of any kind whatsoever, which may in any kind Impeach, Charge or Incumber any of the Seigniories, Mannors, Castles, Lands, &c. of the said Duke or Dutches of *Ormonde*, or any in Trust for them or either of them in the Kingdom of *Ireland*, which by this present Act or otherwise are become Forfeited or Vested in the King; are Vested, Settled, and given to the said Duke of *Ormonde*, in as large and ample manner to all intents and purposes, as the King by any means had or might have had, held, or enjoyed the same, any Clause in this or any other Act, Statute, Ordinance, Order, Attainer, Record, Provision, Sequestration, Distribution, Allotment, Judgment, or Conviction, or other matter or thing to the contrary notwithstanding.

LXXX. And all Conveyances, Settlements and Assurances whatsoever, at any time heretofore made by the said Duke and Dutches, or either of them, by themselves or jointly, with any other persons trusted on the behalf of them or any of their Children, for the Settling of any Mannors, Lands, &c. (in an Indenture Quadripartie purporting a Deed of Grant or Feoffment, bearing Date the 20 day of December, 1661, and in the 13 Year

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Year of the King's Reign ; and made or mentioned to be made between the said Duke and Dutches of the first part, *Hugh Earl of Mount-Alexander, Sir George Lane, and Sir William Flower* of the second part, *Donnough Earl of Clancarty, Sir Paul Davis and George Carr, Esq;* of the third part, and *Thomas Harman, Edward Butler, John Bourdon and Lawrence Walsh* of the fourth part) upon the said Duke or Dutches, or either of them ; or upon their or either of their Children and Blood, with or without Remainders to any other person or persons whatsoever, are Revoked, Repealed, Annulled, and made void.

**LXXXI.** And all Mannors, Lands, &c. mentioned in the said Indenture Quadripartie, and intended or mentioned to be thereby Granted, Settled and Conveyed, shall be by the Authority of this present Act, Vested, Settled and Established in the several respective persons, and for the several and respective Estate and Estates, Use and Uses, and Intents, and subject to the same Limitations and Trusts as are expressed touching the same, and contained in the same Quadripartie Indenture as fully as if the same were Executed by Fine, Common Recovery, Livery of Seizin, Atturment of Tenants, or by any other way or means whatsoever requisite or necessary for the doing thereof, and as fully as if the said Quadripartie Indenture had been particularly Recited, Expressed and Enacted in this Act, notwithstanding the said Elizabeth Dutches of Ormonde be a Feme-Covert, and although there be no other Execution of the same then the Power and Authority of this Act, any other matter or thing whatsoever to the contrary notwithstanding. The Right of others (other than the King, His Heirs and Successors, and other than such whose Estates are Forfeited to the King, or are by this Act Vested in him, and those who Claim under the King or them, and other than the Children of the said Duke and Dutches, and such others as Claim any Estate or Estates in Trust for any of them ; and such as Claim Estates in remainder in Tail or Fee-Simple, by virtue of any Conveyance or Conveyances at any time heretofore made of any of the said Mannors, Lands, &c. in and by the said Quadripartie Indenture Settled) is saved by this Act.

**LXXXII.** Wentworth Earl of Kildare, his Heirs and Assigns, to have the Pre-emption, and enjoy the Forfeited Interests and Estates of all such Lands by this Act Vested in the King, His Heirs and Successors, and not restored to the former Proprietors, as were or are held of or from George late Earl of Kildare, or the said Wentworth, or of any of their Mannors, or whereof any Chief Rent, Service or Duty was or is reserved to them, or either of them : As also of any other Lands surrounded by or intermixt with the said Earl's Estate, which he shall desire, by placing thereon such Adventurers Arrears or other Publick Debts as are Allowed by this Act, and satisfiable thereupon ; and that the personal Arrears of George late Earl of Kildare for his Service in Ireland before the 5 day of June, 1649, be satisfied out of such Forfeited Houses, Lands, and other Security liable to the satisfaction of such Arrears in the County of Kildare, or elsewhere in the Kingdom of Ireland, lying most contiguous to the Earl's Estate, and which the said Wentworth Earl of Kildare shall make choice of, according to the same Rules as are appointed by this Act in cases of like nature.

**LXXXIII.** All Adventurers removed from any of the Lands belonging to Theobald Purcell of Lagbmore, in the County of Typperary, Deceased, to be Reprized out of the Surplusage Lands within the Security of the Adventurers.

**LXXXIV.** Nothing in this Act is to prejudice the Title and Interest of Martin Noell and John Arthur in any the Forfeited Houses in the Town of

of Wexford; and such of them as shall be found Forfeited, and already set out to them, are Vested in and Settled upon them and their Heirs and Assigns for ever, according to such Rules as were set down in the King's Declaration and Instructions.

LXXXV. Provided that this Act shall not extend to any Persons, Bodies Politick or Corporate, or any Mannors, Lands, &c. which did belong to any Hospital, Alms-house, Lepers or Lazars, or other Charitable use within the Kingdom of Ireland, on the 22 day of October, 1641, but that the same shall be restored, to be done by the Inspection, Direction, and Regulation of the Lord Lieutenant, or Chief Governour or Gouvernours and Council.

LXXXVI. Arthur Earl of Anglesey and Lord Viscount Valentia, his Heirs and Assigns, in his and their respective Settlements and Satisfactions pursuant to this Act, shall enjoy the full benefit of the King's Letters in his behalf under His Royal Signet, Inrolled in the Chancery in Ireland, so far forth as the same are consistent with the King's said Declaration.

LXXXVII. This Act is not to extend to any Mannors, Lands, &c. whereof Symon Lutterel of Lutterelstown, in the County of Dublin, Esq; Deceased, or Thomas Lutterel his Son, or either of them, were Seized on the 22 day of October, 1641; and whereof they or their Tenants were dispossessed or removed by colour of any Aftings of the late Usurped Power in the Kingdom of Ireland; but he, his Heirs and Assigns may hold and enjoy the same without and before any previous Reprizals, and at the ancient Rents and Tenures.

LXXXVIII. John Bellew of Castletown, in the County of Louth, Esq; his Heirs and Assigns, to have, posses and enjoy all the Houses and Lands whatsoever, which did belong to Sir Christopher Bellew his Father on the day aforefaid, in as ample manner as the said Sir Christopher, or any to his use, enjoyed the same; subject nevertheless to such Charges and Incumbrances as were justly laid upon, or Issuing out of the said Estate before the said day.

LXXXIX. John Morris and Robert Clayton, and their Heirs, Executors and Assigns, to have, hold and enjoy all Forfeited Mannors and Lands in the County of Wexford, in Ireland, whereof they stand possessed in Trust for Sir John Cutler, Knight and Baronet, Sir Edward Heath, Knight of the Bath, Thomas Tate Doctor of Divinity, Robert Abbot, Gent. Didier Fouchant, Gent. and Timothy Stamp, Esq, and whereon Iron-works and other necessary Improvements have been erected and made, formerly purchased or taken in Lease in the names of any the Parties above-named from Officers, Soldiers or others to whom the same were set out for Adventurers or Arrears, according to the Purport of the Deeds of Purchase and Demise, and with such benefit of Reprizal in case of Restitution or Incumbrance, and with other advantages as any Adventurers or Soldiers, their Heirs or Assigns within the Province of Leinster ought to have.

XC. The Lands and Estate formerly set out in the County of Cork, unto Hercules Huncks, Esq; for his Arrears due for his Service in Ireland, are Established on and Confirmed to Edward Adams of London, Merchant, his Heirs and Assigns for ever, according to such Tenures and Rents, and under such Limitations and Directions for Reprisals as are set down and expressed for any other Officer or Soldier.

XCI. Such of the Inhabitants and Proprietors of the City of Dublin and Town of Drogbeda, as constantly adhered to the Royal Authority until their respective deaths, or withdrawing of the same Authority from the said Kingdom Anno 1647; and did not at any time after adhere to the Papal Clergy, or other the Irish Rebels, in opposition to the Royal Au-

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thority, and the Heirs and Widows of such of them as are dead, to be restored unto, and enjoy as of their former Estates, their Houses and Lands, Freedoms and Immunities in the said City and Town or elsewhere.

XCII. The Lord Lieutenant, and other Chief Goverour or Governors, and Council of *Ireland*, from time to time, during the space of 7 years from the 1 day of *May*, 1662, to make such Orders and Directions for the better planting with Protestants the Lands by this Act Vested in the King, and not appointed to be Restored to Innocent Persons: and for the better Regulating of Cities, Walled Towns and Corporations, and the Electing of Officers and Magistrates there; and to Inflict such Penalties for the Breach thereof as they shall think fit, so as the Penalties for the Breach of the Rules of Plantation do not extend further than to treble the Quit-Rents due for the Lands which shall be Planted otherwise than those Rules shall direct: The same to be paid yearly to the King, His Heirs and Successors, till the said Rules be performed; and thenceforth the Rent reserved by this Act to be only payable, and so as the Penalty for Breach of the Rules to be made touching Corporations do not extend further than to the Removal and Disfranchisement of the Offenders. Which Rules and Orders so to be made shall be as effectual as if the same had been established by the Authority of this Parliament, and shall continue in Force for so long time as shall be therein Limited and Appointed.

XCIII. Provided that no undisposed or unconfirmed Lands in the Province of *Ulster* come, or to come to the King's Hands, shall be set out in satisfaction of deficient Adventurers; but the same may be wholly reserved and disposed of for Reprizal according to the full value and worth, unless the Forfeited Lands in other Provinces shall not be found sufficient to satisfie those Deficiencies.

XCIV. All the Lands in *Ireland* Granted by the King, under His Great Seal of *England* or *Ireland*, and any way Ratified by this Act, to stand Charged with a Years Rent or a Year and an halfs Rent, and such other like Quit-Rents and Annual Payments wherewith any the Lands of Adventurers or Soldiers stand charged, to be Raised, Levied and Paid as other the like Rents and Payments by this Act before mentioned, are appointed to be paid.

XCV. Provided where a greater Rent is reserved upon any such Grants and Letters Patents as aforesaid, than the Quit-Rents reserved by this Act would amount to, then the Rent reserved by the Letters Patents shall be duly paid, and no other Quit-Rents, saving to the King, his Heirs and Successors, all Right and Title to any Mannors, Lands, &c. which he or his Father had on the 22 day of *October* 1641, in right of his Crown of *Ireland*; and which were then, or at any time within 10 years before, in charge in the Exchequer (otherwise than by Inquisition of Lands in *Connacht*, found and returned in the time of the Earl of *Strafford's* Government) and which have not since been disposed by the King or his Father, by Letters Patents under the Great Seal of *England* or *Ireland*; and other than such Rights and Titles as in and by a certain Act of Parliament passed in *England*, Intituled, *An Act of free and General Pardon, Indemnity and Oblivion*, are mentioned or intended to be barred or extinguished.

XCVI. *Theobald Earl of Carlingford, and Thomas Lord Viscount Dillon*, restored unto, and vested in all Mannors, Lands, &c. whereof they, or either of them, or any in Trust for them, or either of them, were seized or possessed upon the 22 day of *October*, 1641, and such reprizable Persons and their Assigns, to whom any of the said Lands have been set out,

to

to be forthwith reprimed out of the first Lands that shall come to the King in the Province of Connacht or County of Clare.

XCVII. This Act is to extend to settle upon, or give unto any of the said Adventurers any benefit of such Sums of Money as have been forfeited by any Adventurers for Non-payment of the full Sumis of Money subscribed by them according to the Tenor of the Acts 17 & 18 Car. I. but that all such forfeited Subscriptions be vested and settled in the King his Heirs, and Successors; to be set out and paid according to the Rates mentioned in the said Acts, within the said Security set apart for satisfaction of Adventurers, immediately after those who have duly paid in the Sums by them so subscribed are reprimed, the same to be disposed of as the King thinks fit.

XCVIII. Such Adventurers and Soldiers, their Heirs and Affigns, whose Lots were set out of the Lands of James Duke of Ormonde, and have been removed, and by the King's Commissioners have had other Lands appointed in the County of Catherlough towards their Reprizal, are confirmed in so much of the said Lands as equalize the Value and Purchase of those Lands from which they were removed, to hold and enjoy the same to them, and their Heirs and Affigns for ever; and the Lands to be immediately put out of charge in the Exchequer in Ireland, reserving the chief Rents according to the King's Declaration.

XCIX. The Lands in the County of Louth, appointed by the Lords Justices of Ireland, to Erasmus Smith, Esq; towards satisfaction of his Adventurers for Lands in Ireland, are confirmed to him, his Heirs and Affigns, with all Advantages and Privileges allowed by this Act to Adventurers. And if any of the said Lands be restored to any person restorable, then the said Erasmus Smith, his Heirs and Affigns, to be first reprimed for the same by other Lands in the said County of Louth; and for want thereof, by other Forfeited Lands in some other place of equal Value and Purchase: but no more Lands to be Settled and Confirmed to him, his Heirs and Affigns, than according to the Rates for satisfying of Adventurers.

C. Nothing contained in this Act is to extend to Vest in the King any the Honours, Castles, Lands, &c. whereof Oliver Cromwell, Henry Ireton, John Jones, Daniel Axtel, Gregory Clement, Isaac Ewer, John Bradshaw, Thomas Andrews, and Thomas Hammond, deceased; Sir Hardres Waller, John Hewson, Miles Corbet, Thomas Wogan, Edmund Ludlow, Edward Deny, John Lisle, William late Lord Mounson, Cornelius Holland, Henry Smith, Owen Rowe, Edmund Harvey, Nicholas Love, Edward Whaley, Thomas Pride, deceased; William Say, Valentine Walton, John Berkstead, Sir Michael Livesey, John Okey, William Gouffe, Thomas Challoner, William Cawley, John Dixwell, Edward Braughton, Thomas Harrison, Adrian Scroope, John Carew, Thomas Scot, Hugh Peters, Francis Hacker, Isaac Pennington, Henry Martin, Gilbert Millington, Robert Titchburn, Robert Lilburn, John Downs, Vincent Potter, Augustine Garland, George Fleetwood, Simon Mayn, James Temple, Peter Temple, Thomas Wait, Sir John Danvers, John Blackston, Sir William Constable, Richard Dean, Francis Allyn, deceased; Peregrine Pellam, John Aldred, alias Alured, Humphrey Edwards, John Wynn, Anthony Stapley, Thomas Horton, John Frey, James Challoner, Sir Henry Mildmay, Sir James Harrington, and John Phelps, or any of them, were at any time heretofore Seized or Possessed in their own Right, or any in Trust for them, or to their use; or which at any time heretofore were Given, Granted or Allotted to them, or any of them, or to any in Trust for them; or to any claiming under them, in satisfaction of any Adventures or Arrears due to them, or for any other Recompence whatsoever. But the same, and every of them, (other than the Lands and Tenements given and granted to Michael Lord Bishop

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**Bishop of Cork, and other than the Lands and Tenements hereafter disposed to Francis Lord Angier)** are vested and Settled upon James Duke of York, his Heirs and Assigns, freed and discharg'd (so long as the same remain in his and their Possession) from any new encreased Rent, Services and Payments in and by this Act assessed, Imposed, and Reserved, but with like Benefit of Reprizal in case of Restitution, as any Adventurer or Soldier may have; and with further benefit and Reprizal for so much of the Premises as by virtue of the Declaration and Instructions, or this Act, shall be held by any Adventurer or Soldier. And if the Duke or his Heirs shall Grant or Alien any of the Premises otherwise than by Lease for Lives or Years (upon which the full Moyety of the improved Rent shall be reserved) then so much as shall be Aliened or Granted shall be charged with such Rents and Payments as other Lands by this Act are subject to.

**CI.** All forfeited Lands and Title and Interest therein heretofore set out in the Kingdom of Ireland to John Lord Kingston, or to Sir Robert King, his late Father, deceased; or purchased by them from any Adventurers, Soldiers or transplanted Persons, their Heirs or Assigns, and set out unto, or possessed by them the 7th day of May, 1659, are confirmed unto the said Lord Kingston, his Heirs and Assigns, liable to such Rules as are prescribed by the Act for restoring of Lands to former Proprietors. But such part of the Lands aforesaid as were set out upon the doubling Ordinance, over and above the Money paid thereon, are not intended to be confirmed to him, without delivering up or discharging such Receipts or Certificates of such deficient Adventurers, or such part of his own, or his late Father's Arrears, or other Debentures for Service in Ireland, before the 5th day of June, 1649, (provided for by this Act) as shall amount unto the Sum for which such proportion of Lands were or are to be set out to Adventurers in the Province of Leinster; upon performance whereof, then they are to stand confirmed: And for all such Lands claimed by him, set out or possessed by Adventurers, Soldiers, or transplanted Persons, their Heirs or Assigns, on the day above mentioned, whereof George Lord Baron Strabane, Sir Henry Talbot, Sir William Dungan, and Thomas Harman, Esq; or any other former or other Proprietor are or shall be restored unto; he the said Lord Kingston, his Heirs and Assigns, to be speedily reprized for the same out of such Lands of yearly Rents in the Counties of Dublin, Cork, and Kildare, or some of them, as the restored or to be restored Lands are worth, to be Letten.

**CII.** The King, his Heirs and Successors, not to be vested in the forfeited Lands in the County of West-Meath, and the King's-County, whereof Sir Hardress Waller, or Isaac Ewer, or either of them, or any in Trust for them, or claiming under them, were the 7th of May, 1659, seized or possessed; but that the same be vested in Francis Lord Angier and his Heirs, subject to like Rents and Payments as any Adventurers within that Province wherein these Lands lie are subject unto; and with like Benefit of Reprizal in case of Restitution or Incumbrance, as any Adventurer ought to have.

**CIII.** All Sums of Money due to John Lord Kingston, Richard Lord Baron of Collooney, Sir Theophilus Jones, Sir Oliver St. George, Sir John Cole, and Chidley Coote, Esq; for Arrearages for their Service in Ireland before the 5th day of June, 1649, to be stated and satisfyed to them, their Executors or Assigns, out of the Security appointed for satisfying Arrears before that time, in the same manner and by such Rules as is before in this Act provided for such as have Arrears due to them before 1649, and received no satisfaction for them since that time; although the said persons or any of them, have received Lands for Arrears since the 5th day of June 1649.

CIV. Sir

CIV. Sir Paul Davis, Knight, to have, hold and enjoy to him, his Heirs and Assigns for ever, the Town and Lands of Londonstown, formerly belonging to William Fitz-Gerald, Attainted; Barretstown, formerly belonging to Christopher Eustace attainted; Johnstown and Palmerstown, formerly belonging to James Flatsbury Attainted, all scituate, lying and being in the County of Kildare, with all their Appurtenances whereof the said late Proprietors were seized, or any for their Uses or in trust for them, on the days of their respective Attainders, or at any time since, he, his Heirs and Assigns paying yearly to the King, his Heirs and Successors, the like Rents as are appointed to be paid by Adventurers for Lands in the Province of Leinster, by the Act made in the Parliament begun at Westminster, on the 3d day of November, 1640, Intituled, *An Act for the speedy and effectual Reducing of the Rebels in his Majesty's Kingdom of Ireland to their Obedience to his Majesty, and Crown of England;* unless the Rents formerly reserved on the Premises to the Crown on the 23d day of October, 1641, did exceed that Rent: and then in such case to pay that Rent; and to be held of the King by the same Tenure which by the said Act is appointed for Adventurers for Lands in Ireland.

CV. All such Officers in Munster, who engaged themselves in the King's Army in the Kingdom of Ireland, under the command of the Duke of Ormonde, in the Year 1648, and were afterwards instrumental in the betraying of several Towns and Garrisons into the Usurpers hands, or his Forces, and their actual Assistants, and the Heirs, Executors, Administrators and Assigns of them, or any of them, are excluded from any benefit from this Act of Parliament, as to their enjoyment of any Lands for Arrears before June, 1649, other than who within 24 Months after the date of this Act, shall make it appear to the Lord Lieutenant, &c, with six of the Council, that they made some repair for their former faults by their timely and seasonable Appearance for the King's Restitution in the Year 1660.

CVI. The Commissioners to set out so much of the forfeited Lands as amount to the clear yearly value of 300 Pounds, and are nearest and lie most contiguous to the Fort of Duncannon, to be referred to the King, his Heirs and Successors, to the intent the Rents may for ever be employed for the better Maintenance of the said Fort. And such Adventurers, Soldiers, or reprizable Persons, to whom any of the said Lands have been allotted, to be forthwith reprized out of some other forfeited Lands, of an Estate of equal value and Purchase.

CVII. All forfeited Messuages, Lands, &c. whereof Henry Jones Lord Bishop of Meath, or any in Trust for him, or to his use, were seized or possessed on or before the 29th day of May, 1660, are vested and settled in, and confirmed upon him in his natural Capacity, to be held and enjoyed by him and his Heirs, subject to the like Rents and Payments as any Adventurers for Lands in the Province of Leinster ought to be: And in case any of the forfeited Lands vested in him did heretofore belong to any restorable Person other than innocent Persons, no restitution in such case to be made until he be first reprized with an Estate in Value, Worth and Purchase, equal to that which ought to be restored.

CVIII. This Act is not to extend to the disposal of any Lands, Tenements, or Hereditaments, whereof the Provost, Fellows, and Scholars of the Holy and undivided Trinity near Dublin, of the Foundation of Queen Elizabeth, were seized in Fee in the Year 1640, and are in their actual Possession; but that the same, and the Right of all Persons to any of the said Lands and Tenements which they held by vertue of any Grant, Lease or Fee-Farm from the College, and which is forfeited to the King by the late Re

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Rebellion, to remain; and are Granted and Confirmed to the said Pro-  
fessors, Fellows and Scholars, and their Successors for ever, paying for the  
same such Rents as Adventurers ought to pay for the Lands within the  
Provinces where the Lands hereby Granted and Confirmed lie.

CIX. Fees being claimed by the Speaker of the House of Commons, and  
the Clerk of the House of Lords, and Clerk of the House of Commons, and  
other Attendants on either of the said Houses, out of every Bill past in Par-  
liament, wherein any Persons, Bodies Politick or Corporate, receive any  
Grant of, or Restitution to forfeited Lands, &c. to them, their Heirs and  
Successors, being particularly named in the said Bill, the ascertaining the  
said Fees, payable by the said Persons, Bodies Politick and Corporate, not  
particularly named by this Act, (though included therein) as to the Sums,  
Way, Time, Manner and paying, is left to the Consideration of the Lord  
Lieutenant or other Chief, &c. and Council of Ireland, after Advice there-  
in had with both Houses of Parliament there: And after such Advice, the  
Orders then resolved upon, and recorded in the Chancery, shall be as binding  
to all purposes, for the demanding, Levying and Payment of the said  
Fees to the Persons aforesaid, and every of their Executors and Assigns,  
as if the said Orders were particularly set down in this Act.

CX. This Act is not to extend to the Grant of a remainder of a Term  
of Years in certain Lands and Tenements lying in the Parish of Finglass,  
in the County of Dublin, forfeited by Sir William Hewlet, and passed by  
Letters Patents under the Great Seal of this Kingdom to Sir Timothy Tyrrell,  
Knight; but the same are confirmed to him, his Executors, Administra-  
tors and Assigns, during the Term aforesaid.

CXI. Nor shall this Act extend, nor the Act enabling Ecclesiastical Per-  
sons, to make Leases for 60 years for encouragement of Planters, be pre-  
judicial to the Title of Richard Earl of Cork, or Michael Lord Bishop of  
Cork, in or to the Town and Lands of Ballymulruske, in the County of Cork.

CXII. Randal Marques of Antrim to be restored to all the Mannors,  
Lands, &c. whereof he or any in Trust for him, stood Seized or Possessed,  
upon the 23d day of October, 1649, in such manner as the Lord Viscount  
Nettervil and Lord Viscount Galway, and the rest with them in the De-  
claration herein before mentioned, ought by virtue thereof, and of this  
Act, to be restored to their Estates.

CXIII. The Sum of 8000 Pounds Sterling to be fully paid at such times,  
and in such way as the King or His Successors shall appoint unto Sir James  
Sbean, his Executors, Administrators or Assigns, in recompence of his  
Estate in the half Barony of Irris, being Vested by this Act in the King,  
His Heirs and Successors, and till satisfaction be made to Arthur Earl of An-  
glesey, the King's Vice-Treasurer and Receiver-General, or any other to  
succeed in the same Office, from time to time out of the accruing Rents  
and Fines which shall come into the Receipt of the Exchequer for Licen-  
sing the Sale of Wine, Aqua vite and strong Waters, or any of them, by  
Retail in this Kingdom, to pay without further Delay, Order or Direc-  
tions, unto the said Sir James Sbean, his Executors, Administrators or Af-  
signs, yearly, every Michaelmas and Easter, the current Interest of the  
said 8000 Pounds, or so much thereof as shall remain unsatisfied, the first  
Payment of the said Interest-Money to be made at Michaelmas, 1662. And  
the said Sir James Sbean, his Heirs and Assigns, to have the benefit of  
the King's Letters under his Signet, Dated the 25th day of May, 1662,  
in the 14th Year of His Reign, for Granting several Houses and Lands  
to him, his Heirs and Assigns, in satisfaction of Adventures and other  
Interests according to the Rules of the said Declaration, so far as the  
Lord Lieutenant, or other Chief, &c. shall judge things consistent with  
the

the King's Declaration, excepting only what relates unto his said Estate in *Irris*.

CXIV. The Lord Lieutenant, and other Chief, &c. with the Consent of the Privy Council, out of the Lands vested by this Act in the King, and which shall be Settled or Restored by virtue thereof, to Settle such yearly Allowance for ever (not exceeding 1000 Pounds per Annum) for Founding, Erecting and Endowing of Hospitals and Work-houses for Soldiers maimed or wounded in the Service of *Ireland*; and in case of deficiency of such persons, than towards other Publick and Pious Uses in such Places as they shall think fit.

CXV. The Lord Lieutenant, and other Chief, &c. and Council, to charge for the use of the King the Estates of Papists restorable, not exceeding the Proportions following, viz. All Papists who took no Lands in *Connaught*, one half years value; and such as took Lands there, one whole years value of the Estates unto which they are or shall be restored, to be paid in the same manner as the Sums payable by Adventurers and Soldiers are made payable by this Act; to be paid into the Receipt of the Exchequer to be disposed of for satisfying unrestorable persons for want of Reprizals, or for the purchasing of Reprizals, Adventures, Arrears, Incumbrances, or other allowed Interest by this Act, from such as shall be willing to sell their Rights; whereby the Land designed for Reprizals may the better hold out to answer the ends of the King's Declaration.

CXVI. Provided if Reprizals fall short whereby persons mentioned and appointed in the said Declaration and this Act to be restored, cannot obtain the full benefit intended them, then the Lord Lieutenant, and other Chief, &c. and Council, to make distribution amongst them of the restitution or satisfaction allotted them, in such proportions as they shall think most equal and just, consideration being had of the Conditions and Pretences of the several Persons concerned: nevertheless according to the Rules of the Declaration concerning them in all other points, and particularly in that of previous Reprizals, which shall be final, and observed by the Commissioners appointed for the execution of this Act.

CXVII. All such Castles, Lands, &c. in the County of *Sligo*, as have been purchased by Sir *Philip Percival*, Knight, Deceased; or any persons in Trust for the late Earl of *Strafford* and Sir *George Ratcliffe*, Deceased, or either of them, and their Heirs; and whereof they, or any other persons to their use, or in Trust for them, were Seized or Possessed the 23d day of *October*, 1641, are Vested in the King, His Heirs and Successors, to continue until the Lord Lieutenant, or other Chief, &c. and the Council, shall upon hearing of the Purchasers, their Heirs or Assigns, and the Heirs and Assigns of the said Earl of *Strafford* and Sir *George Ratcliffe*; and also upon hearing the Vendors, their Heirs and Assigns, declare and adjudge whether the same do belong to the said Sir *Philip Percival*, his Heirs and Assigns, in Trust for *William Earl of Strafford* and *Thomas Ratcliffe*, or either of them, or any Persons, their Heirs or Assigns, of whom the same are pretended to be purchased as aforesaid: Which Declaration and Judgment shall be as effectual to all purposes on the behalf of the persons for whom the same shall be made, as if the same had been particularly Enacted by these Presents.

CXVIII. Maurice Keating, Esq; Son and Heir of *Edmund Keating* of *Norragbnore*, in the County of *Kildare*, Esq; to have, hold and enjoy to him and his Heirs, all the Mannors, Towns, Lands, &c. in the King's County, purchased by, or in Trust for his said Father, before the 23d day of *October*, 1641, from *John Carroll*, Esq; if the Lord Lieutenant, or other Chief

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Chief, &c. and Council (upon hearing the Parties concerned) shall think fit to adjudge the same accordingly.

**CXIX.** *Theobald Lord Viscount Taaffe, Earl of Carlingford,* to have, hold, possess and enjoy to him and his Heirs, all those Lands, Mannors, &c. in the County of Louth, whereof upon the 1st day of August, 1641, he was possessed, or were Assigned to him by way of Custodian, or otherwise in order to a further Settlement thereof to him and his Heirs in lieu of the Estate of Colloony, in the County of Sligo. And also to have and enjoy to him and his Heirs the Mannors, Lands, &c. whereof Christopher Taaffe of Branganstown, and Theophilus Taaffe of Cookstown, or either of them, or any of their Ancestors, or other persons in Use or Trust for them, stood Seized or Possessed the 22d day of October, 1641, under the like Rents and Services as the Officers and Soldiers by this Act are to hold.

**CXX.** This Act is not to extend to Vest in the King, His Heirs and Successors, any Honours, Castles Lands, &c. by the King's Letters Patents under the Great Seal of England, Dated the 8th day of August, 1662, and in the 14 Year of His Reign, Granted to Richard Earl of Clanrickard and his Heirs, but that the same be immediately (without previous Reprizal or other Incumbrance whatsoever) Vested and Settled in the said Earl and his Heirs, to the Uses and in such manner as is expressed in the said Letters Patents, and to no other use or purpose whatsoever; and that he and his Heirs may hold and enjoy the same to the Uses, and under the Rents and Services therein reserved, and by no other: Saving to all other (other than the King, His Heirs and Successors, and such as shall or may claim under the King); and other than such whose Estate would have Vested or been in the King by the general words, scope or intent of this Act, if the above Proviso were not made or mentioned in this Act; and other than such who had held or were possessed of any the Lands by the said Letters Patents Granted by or under any defeasable Right, Title or Estate; and other than such as shall or may pretend or claim any Right or Title thereunto, in prejudice of any the Uses Limited in and by the said Letters Patents by dissent, or by virtue of any Estate or Remainder in Tayle from any of the Earls of Clanrickard) all their Right and Title; and such Reprizable Persons to whom any of the Premises have been set out, to be forthwith reprized out of the first Lands that come to the King's Hands in the Province of Connaught and County of Clare, either by the restoring of any persons to their Estates who were formerly Transplanted or otherwise.

**CXXI.** The Lord Lieutenant, or other Chief, &c. with the consent of the Privy Council, are Impowered to Erect another College to be of the University of Dublin, to be called King's-College; and out of the Lands Vested, or to be Vested in the King by this Act, to raise a yearly Allowance for ever, not exceeding 2000 Pounds per Annum, by an equal Charge upon every 1000 Acres, or lesser Quantities proportionably, and therewith to endow the said College: And the said College to be Governed by such Laws and Constitutions as the King, His Heirs and Successors, under His or their Great Seal of England or Ireland, shall declare and appoint.

**CXXII.** Robert Boyle, Esq; his Executors, Administrators and Assigns, during the Term of 31 Years, to hold and enjoy all and singular the Impropriations belonging to the late dissolved Religious Houses, &c. of Ballytabber in the County of Galway and Tybone in the County of Tipperary, with all the Impropriate Tythes, Rectories, &c. which belong unto or by this Act are Vested in the King to any of the aforesaid Uses, according to the Tenor of such Grant or Grants, as have or shall be past to him by the King's Letters Patents in that behalf; he paying for the same double

ble the Exchequer or Crown Rent reserved thereupon in the Year 1641.

CXXIII. In all cases of Grants made since the Date of the King's Declaration, and Instructions, or in case of Provisoes in this Act, which give Reprizals to any of meer Grace, that could not claim them by vertue of the said Declaration and Instructions, and not as Adventurers or Soldiers, the persons concerned in such Grants or Provisoes not to have benefit of Reprizals till after such Persons and Interests Reprizable by the said Declaration and Instructions be first Reprized.

CXXIV. All Mannors, Lands, &c. and all benefits of Reprizals, and other Advantages by this Act Granted or Confirmed to *Charles Earl of Montrath*, to remain in the King, His Heirs and Successors, until such time as the Lord Lieutenant, or other Chief, &c. and the Privy Council there, shall upon Examination of the Settlement, and last Will and Testament of the said Earl (if there be any such Will) and of any other matters whereby his Intentions in disposing his Estate may appear; and accordingly make a final Judgment and Determination therein: And that the same, and all Grants and Letters Patents that shall be made thereupon, to be as effectual in Law to all Intents and Purposes, as if the same had been particularly mentioned in this Act. Provided that if such Judgment and Determination be not made within 2 Months after the sitting of the Commissioners for the executing of this Act in *Ireland*, that then all the Mannors, Lands, &c. and all other the benefits by this Act intended to be Given or Granted to the said Earl, shall be and enure according to the general meaning of this Act herein before expressed, and the foregoing Clause to be utterly void, and of none effect; and that in the meantime the possession of the Premises Vested in the King, not to be disturbed; but remain where now it is: And that the Arrears of Rent and mean Profits may be received by those in possession subject to the said final Judgment and Determination.

CXXV. Enacted that all Lands, &c. lying in the Baronies of *Dunboyne* and *Ratbrooth*, and County of *Meath*, whereof *Henry Cromwell* was by himself, his Tenants or Assigns, possessed the 7th day of *May*, 1659, be Settled upon and Confirmed unto Sir *William Russel* of *Langton*, Baronet, and Dr. *Jonathan Goddard*, their Heirs and Assigns for ever: And that the Lands, &c. lying in *Connaught*, whereof he was in like manner possessed at the same time, be Settled upon and Confirmed unto John *Russel* of *Chipnham*, Esq; his Heirs and Assigns, for ever. The same with all Arrearages of Rent, to be held according to such Rents and Directions as by the King's Declaration of the 30th of *November*, 1660, is expressed, concerning such as were of his Army in *Ireland*; and that 850 Pounds be satisfied to the said John *Russel* as an Adventurer, as by this Act is appointed for other Adventurers.

CXXVI. The Heirs of Sir *Lucas Dillon*, Knight, Sir *Robert Talbot*, Baronet, the Heirs of Sir *Valentine Blake*, Baronet, Sir *Richard Blake*, Knight, Dr. *Gerard Fennel*, *Geoffry Brown*, John *Brown* of the *Neale*, John *Wallop*, Thomas *Tirrell*, Edmund *Dillon*, John *Talbot* of *Mallabide*, Francis *Cogblane* of *Kilcolgan* in the King's-County, Robert *Nugent* of *Cartlandstown*, Sir John *Bourke* of *Derry-MacLaghney*, Thomas *Arthur*, Esq; Dr. *in Physick*, Gerald *Flemming* of *Castle-Flemming*, Luke *Bath* of *Ackarne*, and Bartholomew *Stackpoole*, Esq; to be forthwith restored to their former Estates as Proprietors or Heirs to their Fathers, and whereof they or their Fathers were dispossessed by the late Usurped Power; and to be quieted in Possession to them and their Heirs, as fully and beneficially to all Intents and Purposes as the Lord Viscount *Netterville* and the Lord Viscount *Galmoy*,

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and the rest with them in the Declaration herein before mentioned, ought by virtue thereof, and this present Act, to be restored to their Estates.

CXXVII. It is made lawful for the Lord Lieutenant, or other Chief, &c. and Council of Ireland, at any time before the 1st of December, 1662, to suspend the Execution of all or any the Clauses and Provisions before mentioned, whereby the Estates or Interests of any private persons are Settled and Confirmed; and the Grants made to any Person or Persons till they have examined and informed themselves concerning the same; and such as they find contrary to, or inconsistent with the aforesaid Declaration and Instructions, or inconvenient for the general Settlement to be allowed in their full Latitude, to retrench, alter or change; and by their Direction or Order to the Commissioners for the Execution of this Act, to disallow such of them as they shall think meet, in part or in whole; or to order how far and in what manner the same shall be Executed or Observed, which shall be final and to be obeyed by the Commissioners, whose Proceedings in pursuance thereof shall be as valid to all Intents and Purposes, as if they had been particularly appointed or declared by this Act.

CXXVIII. Stat. 17 & 18. Car. 2. Seff. 5. Cap. 2. This Act is made for the explaining of some Doubts arising upon this Statute last before mentioned: and for making some Alterations of, and Additions to the same, for the more speedy and effectual Settlement of the said Kingdom.

CXXIX. Over and above all the Mannors, Lands, &c. declared to be Vested in the King (by the Act of the 14 & 15. Car. 2. mentioned here before in this Title §. 1.) there is by this Act of the 17 & 18 Car. 2. Vested also in the King, His Heirs and Successors, all and singular the Messuages, Lands, Tenements and Hereditaments whatsoever whereof John Fitz-Gerald alias Firz-Gerrard, of Innismore, commonly called the Knight of Kerry, Captain John Magill of the County of Down, Geoffrey Fleming of Ballingary, or any of them, or any of their Ancestors whose Heirs they are, or any other persons in Trust for them, or any of them, or to their or any of their Uses, were Seized or Possessed upon the 22d day of October, 1641, notwithstanding that the same were not Seized, Sequestred or set apart upon the account of the said late Rebellion or War, are declared as from the said day Forfeited, and to have been Forfeited to the King's Royal Father and to himself, His Heirs and Successors; and are from that time deemed, declared and adjudged to have been and to be in the real and actual Possession and Seizin of the King's Royal Father, and of himself, his Heirs and Successors, without any Office or Inquisition thereof found or to be found free and absolutely discharged of and from all Estates and Titles made before that day by any person or persons being Tenants in Tail, &c.

CXXX. No persons who by the Qualifications in the former Act have not been adjudged Innocent, shall be hereafter reputed Innocent, so as to claim any Lands, &c. but they, and all claiming under them to be debarred; and the word (and) used in that part of the Act relating to Officers and Soldiers, shall be taken disjunctively, as if it had been (or) so that no Officer or Soldier, his Heirs or Assigns, is to be excluded the benefit of that Act or this present Act, if he had been formerly of the Army, and in possession of Lands, &c. the 7th day of May, 1659, though he were not in the Army the 30th of November, 1660, or at any after time. And Protestant Adventurers and Soldiers to be first provided for, and to have as much Forfeited Lands Vested, &c. as amounts to Two full Third parts of what they had or ought to have had, in case of deficiency upon the 7th of May, 1659. And no Adventurer or Soldier to be removed for any Restitution before he be duly possessed of his 2 Thirds; and where there

is a Possession of more than 2 Thirds, the Overplus to be cut off, and the Commissioners to make a Retrenchment; and where the Possession's less than 2 Thirds, then to be made up out of some other forfeited Lands. And those removed from the Estate of the Duke of *Ormonde*, or relinquishing or reprimed in *Catherlough*, and not decreed away from them, to have like liberty of retaining the same, or so much as amounts to 2 full Third parts. And deficiencies of Adventurers in *Connaught* and *Clare*, to have their 2 full Third parts made up in the same Barony and County, or in the next if conveniently to be done. And where there is an overplus in one Barony and a Deficiency in another, the Adventurer, &c. to retain so much of the overplus as to make up the deficiency 2 full Third parts; and where any have more than 2 full Third parts, then to buy the Right of another's deficiency for so much, and so retain the whole Protestant Purchasers in *Connaught* or *Clare* illegally removed and kept out of Possession, to be restored by the Commissioners *pro Tempore*.

CXXXI. Adventurers on the Ordinances of the Years 1643 and 1647, to have no more than the Principal-Money *bona fide* amounts to; and to receive satisfaction for the same as other Adventurers have by this Act, by allotment of so much Land as amounts to satisfie 2 full Third parts of the principal-Money paid upon the doubling Ordinances and to continue Possession as other Adventurers of 2 full Third parts, in case so much be left in their hands not decreed away by the Commissioners.

CXXXII. Books to be made of the Portion allotted to each Adventurer or Soldier, &c. towards their 2 full Third parts; and of the several Augmentations of every Archbischoprick or Bishoprick, the Allotment of Glebes, and the Provision made for the College of *Dublin*, the maintenance of the Fort at *Duncannon*, and the Corporation of *Bandon-Bridge*, and upon Certificate under the Commissioners Hands and Seals, or the major part of them, of the Lands allotted, &c. Letters Patents to be past under the Great Seal of *Ireland*, without any further Warrant from the King: And that all Letters Patents granted by virtue of this Act, are confirmed to the Patentees against the King, and against all others, and discharged of all Estates and Demands, but not to discharge any Quit-Rents reserved by the former Act, being behind and unpaid, nor that part and proportion of the 300000 Pounds herein after mentioned, and intended to be raised; nor the mean Profits received of Lands set out for English Arrears, or in satisfying any Titles not satisfiable by this or the former Act; nor to discharge any Sums of Money, which persons transplanted into *Connaught* received upon the Sale of their Estates, and yet have since been restored to their former Estates, or some part thereof. If the Letters Patents upon the Certificates as aforesaid be delayed by the Officers (upon tender of their Fees) above six Months space, that then the said Parties wanting such Letters Patents, shall enjoy the Lands allotted as fully and amply to all intents, as if Letters Patents thereof had been Granted: And several persons (if they desire it) may pass their Lands in one and the same Letters Patents.

CXXXIII. Where Lands decreed by the former Act to any towards their 2 full Third parts, are incumbered, the Commissioners for execution of this Act, to allot so much other Forfeited Lands as to satisfie for the Incumbrance: and where Securities for Money have been allowed by the Decrees of the Commissioners of the former Act, wherewith the Lands set out to any Adventurer, &c. may be incumbered, all Interest thereupon due before the 29th of May, 1660, to be discharged; but Interest received not to be repaid from and after the said day unto the time of the said Decrees: and no more Interest to be paid for any Monies due upon the said Security than after the rate of 40 Shillings per Centum for one Year, and

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and from the time of the Decrees full Interest to be paid : And that Lands be set out in satisfaction of what remains due after such abatement made as aforesaid, according to the rate of 8 years Purchase to such persons prejudiced by such Incumbrances, by having their Lands liable thereunto, or by their buying in of the Lands. And such Adventurers, &c. as were in possession of any Lands or Tenements upon the 7th day of May, 1659, set out, or reputed to be held towards satisfaction of any Adventurers Arrears ; in such cases no Proof of the mean Conveyances or Assignments to be required, but Possession to be a sufficient Evidence ; or unless the same Lands have been likewise claimed by some other Adventurers, &c.

CXXXIV. Upon Information made to the Lord Lieutenant, &c. and Council, of any concealments by false Admeasurement ; they to cause a new Survey to be made of the Parcels and Lots wherein such false Admeasurement is pretended, according to the Rules prescribed by this Act ; and such Information to be given within 3 Months after the passing of this Act, and the new Survey or Admeasurement to be finished and perfested within 9 Months next after the passing of this Act.

CXXXV. Where the Estate in any Messuages, Lands, &c. recovered by an Irish Claimant, by Decree confirmed is not greater than for Life, the Commissioners to give the persons against whom such Decree has been made, their Election to take the Reversion in Fee of such Lands upon the determination of the Life Estate, in lieu of their 2 Third parts for the fame, or to have their 2 full Third parts set out to them presently out of some other Forfeited Lands, and to have Certificates from the Commissioners in order to their passing Letters Patents either way according to their Election. And where the Irish Claimant's Estate is such in remainder or reversion as leaves unto the persons against whom the Decree hath been made an Estate for Life of some other person only, there to have their Election whether they chuse to continue the possession of the whole Land during such Life, and accept it in satisfaction of one of the Third parts ; or they'd rather have their 2 full Third parts set out presently out of other Forfeited Lands, and relinquish their Possession for Life, and the Commissioners to give Certificates for Letters Patents accordingly.

CXXXVI. The Commissioners with all convenient speed to set out to the Arch-Bishops and Bishops in the said former Act, (in that case named) and to their Successors for ever, such Augmentations and Allowances, and out of such Lands as were formerly held or reputed so, in Fee-Farm of any Arch-Bishop, Bishop, Dean, Dean and Chapter, or other Ecclesiastical Person in his or their Politick Capacity, under the reservation of any Chieffry, Rent, or other Duty or Service, in such way as by the said former Act is appointed ; provided that where Lands disposable by this or the former Act, have been Given and Granted to any such Arch-Bishop or Bishop, and their Successors, by virtue of any Letters Patents under the Great Seal of Ireland, bearing date since the passing of the said former Act towards such Augmentations. And if upon Survey and Valuation the said Lands appear not to exceed the value of such Augmentations as were intended them by the former Act, then they and their Successors to hold and enjoy the same according to the Tenor of their Letters Patents ; and the same to be of the like force as other Letters Patents Granted to Adventurers or Soldiers by virtue of this Act are or ought to be. But if the Lands so Granted exceed the value of such Augmentations as were intended them by the said former Act, then the Commissioners to cause such Retrenchment of the said overplus to be made as may leave them their due Augmentations, with as much convenience and contiguity as may be ; and the Lands so left to be held by them and their Successors

fors as fully and amply as they might have been in case the Lands Granted had not exceeded the Value, and the said Letters Patents as to such overplus to be retrenched by the Commissioners as aforesaid, to be null and void; and the Retrenched Lands to remain in the King, to the uses of this Act. And if the Lands so Granted fall short of the Value of such Augmentation, the Commissioners to cause the same to be made up out of such Lands, and in such way and manner as by the said former Act is directed.

CXXXVII. So many Acres of Land to be set out by the Commissioners as may endow all and every the Parochial Churches in this Kingdom with 10 Acres of Glebe at the least, except such Parochial Churches as are endowed with the like or a greater quantity of Glebe already; and the same to be so allotted as may be most contiguous and convenient for them: In which Provision Parishes united and to be united, by virtue of the Act of Parliament for real Union and Division of Parishes, &c. are to be understood but as one Parish; and Parishes within great Cities and Walled Towns are not at all intended to be comprehended. And the like care both for contiguity and conveniency is to be had in the setting out of the Augmentations of the several Arch-Bishops and Bishops not already provided for as aforesaid, as far as may be; and upon Certificate made by the Commissioners to the Lord Lieutenant, or other Chief, &c. and Council, if they approve thereof, then the Lands so set out, declared to be Vested and Settled in the several and respective Arch-Bishops, Bishops, and Incumbents of Parochial Churches, and their Successors for ever; and Letters Patents thereof to be passed by them and their Successors, as is directed in case of Adventurers, &c. and to be of like effect, subject nevertheless to the Quit-Rents hereafter mentioned. And the Lands held in Fee-Farm, &c. as aforesaid, and the several Impropriations, Vested in the King to remain and continue in the possession of the several Arch-Bishops, Bishops and other Incumbents, until their Augmentations and Glebes be set out and satisfied, as aforesaid; and after that to be Vested in the King to such Uses as are Limitted by this Act. And all Impropriations and Appropriate Tythes Vested in the King, and by the said former Act Settled in the present and future Incumbents and their Successors, shall remain so, subject nevertheless to such Reservations, Provisoes, &c. as by the said former Act they are made subject to; so that the matters and things to be done within two Years after the passing of that Act, be likewise done within the Space of two Years from and after the passing of this Act.

CXXXVIII. All Grants and Conveyances to be made by any Arch-Bishop of any Mannors, Lands, &c. Settled upon him and his Successors as an Augmentation of his Revenue, as aforesaid, other than for 21 Years or 3 Lives, from such time as any such Lease, Grant or Assurance shall begin, and whereon the full Moyety of the yearly Value and improved Rent as the same are worth to be Lett, shall be reserved and payable during the said Term of 21 Years, shall be utterly void.

CXXXIX. The Commissioners to set out so many more Acres of profitable Land as may secure a yearly Rent Charge of 300 Pounds per Annum, to be Issuing out of the same, to be a perpetual Revenue for the Support and Maintenance of the Provost of Trinity College near Dublin, and his Successors, in such way and manner as the Lord Lieutenant, &c. and Council shall direct. And so many Acres of like yearly Value of 300 Pounds per Annum towards the Support and Maintenance of the Fort of Duncannon, to be Settled as aforesaid; and in this case the Rules of Contiguity need not to be observed, but care to be taken of the Value intended to be secured. The Commissioners also to set out so many Acres as may be

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be of the yearly Value of 100 Pounds, to be a perpetual Revenue for the Corporation of *Bandon-Bridge*, and their Successors, to be Granted to them by Letters Patents in such manner as aforesaid. And if Lands for that purpose have been set out, then the Commissioners to cause them to be valued, and to retrench what exceeds 100 Pounds *per Annum*: and if the whole fall short of the value, to cause the same to be supplied by further Allotments as aforesaid.

**CXL.** The Protestant commissioned Officers in Service here for the King or his Royal Father before the 1<sup>st</sup> of May, 1649, and not excluded by the former Act; and all others intended thereby to be equally and together satisfied with them out of the same Security, who received no Lands or Money for their Service; and also *John Bartlet*, and the Heirs of *Thomas Bartlet*, to enjoy and be continued and confirmed in the Messuages and Lands not decreed from them by the Commissioners of the said former Act, and in the benefits arising from the redemption of Mortgages, and all other benefits accruing by the said former Act, other than the Years Rent and Year and halfs Rent therein mentioned. These words (the benefits arising, &c.) to be intended of all benefits of that nature which on the 22d day of October, 1641, or at any time since, were belonging to any Irish Papist or Roman Catholick declared Innocent by the Commissioners of the former Act: And if any of the Houses or Lands aforesaid are or shall be settled upon any other persons, then the said Commissioned Officers to be reprized by other Lands, &c. but subject to the Quit-Rents of 18 Pence *per Annum*, to be paid to the King, His Heirs and Successors, for every 20 Shillings which any House, Orchard or Garden-Plott, within the Security aforesaid, is worth to be lett: Saving nevertheless to all Archbishops, Bishops, and Ministers of the Church, such Right, Benefit and Advantage of, in and to the forfeited Houses in Cities, Walled Towns and Corporations, as by the said former Act is given; the said Houses to be set out by the Commissioners of this Act.

**CXLI.** The House chosen by *John Lord Bishop of Limerick* in the City of *Limerick*, and set out to him for 7 Years according to the Act of Settlement, together with that small waste Plott of Ground and two ruinous Tenements thereon, which he Rents at 20 Shillings *per Annum*, lying on the Back-side of the said dwelling House, equal with the Front thereof down to the Highway adjoyning to the Wall of the City, being from the said Back-side in length 66 Yards, and in breadth 29 Yards, enacted to be annexed unto the See of *Limerick* for ever, and to be a Mansion-House for the Bishop and his Successors.

**CXLII.** The Benefit and Advantage of all Forfeitures by false Certificates to be applied for the satisfaction of the Officers who ought to have 12 Shillings and 6 Pence in the Pound until the same be satisfied. And such Officers as shall purchase any Houses or Lands within any Corporation, to give no satisfaction to any persons for their Improvements, who upon Leaves or Contracts made before the King's Restoration were bound to make such Improvements, and have enjoyed their full term of Years. But no Papist or Popish Recusant, nor other persons, but such as shall take the Oaths of Allegiance and Supremacy (without the Licence of the Lord Lieutenant, &c. and Council) shall be admitted to purchase any of the Houses in Corporations from the Commissioners of this Act. And no commissioned Officer, or other person, to whom any of the Houses within the said Security shall be allotted or hereafter come, shall Grant, Demise, or otherwise dispose them to any Papist or Popish Recusant, or person, refusing the Oaths without Licence as aforesaid, under pain of Forfeiture of double the value of every such House so conveyed or disposed, to be divided between

between the King and the Prosecutor, to be recovered by Action of Debt, &c. in any of the Four Courts of Record at Dublin, wherein no Wager of Law, &c. shall be admitted.

CXLIII. The Order of the Council-Board of Dublin, dated the 12th of January, 1663, setting down Rules for stating the Arrears of the Armies in Ireland before the 5th of June, 1649, is enlarged as to time; and the Commissioners to proceed according to those Rules, and pursuant to them and the Rules of this Act, and not otherwise; saving to Charles late Earl of Montrath, and his Executors and Assigns, the benefit of 6000 Pounds due for Service before the said day, to be paid out of the Securities aforesaid, equally with any other to be paid their Arrears out of the same. And saving also unto Edward Lord Viscount Conway and Kilulta, the satisfaction of his Arrears, due for his or his Father's Service in Ireland before that time, any thing in the Order aforesaid, or in this Act to the contrary notwithstanding.

CXLIV. Wentworth Earl of Roscommon and Roger Earl of Orrery, their Heirs and Assigns, in the setting forth of the Security for the Arrears of the commissioned Officers aforesaid, to have the Preference and *primier* Satisfaction of 5000 Pounds of their own personal Arrears, or other Arrears, purchased by them, out of the forfeited Houses and Lands, &c. in the City, Suburbs, and Liberty of Limerick, at the rate of 8 Years Purchase, as they be really and *bona fide* worth; and the Commissioners to give such Certificate as necessary for the passing of Letters Patents according to the Rules of this Act.

CXLV. Protestant Purchasers of Lands before the 1st of September, 1663, in the Province of Connaught or County of Clare, from any transplanted or transplantable Person, to be continued and confirmed in 2 such Third parts thereof in their possession, as by the Commissioners of this Act shall be allotted to them; and to hold the same free and discharged from all Claims and Demands, as fully as any Adventurer or Soldier ought to enjoy their 2 full Third parts herein before expressed, and be enabled to demand Letters Patents thereof. And if any part of their Lands so purchased, and to be settled in them, be decreed to any other person, then the Commissioners to set out and allot the person prejudiced so much other forfeited Land as may be equal in quantity of Acres to 2 Third parts of the Lands so evicted or restored. And no persons who by the said former Act of Settlement are intitled to Reprizals, for or in respect of some Possession quitted by them, shall be enabled to demand or have Reprizals further than what will amount to their full 2 Third parts aforesaid (the Duke of York, Duke of Albemarle, and such others herein after mentioned, according to the Provision therein after made only excepted) And no Adventurer or Soldier, who before any Decree of Innocence made by the Commissioners of the said Act, did compound or agree with any Irish Claimant whose Claim was then depending before the said Commissioners, shall be admitted to have his 2 Third parts, or any other satisfaction for that part of his Estate which he so compounded or agreed for.

CXLVI. All the Lands confirmed and settled as aforesaid, (and not particularly by plain and express words excepted from Quit-Rents in the same Clause) shall be subject and liable to such Quit-Rents to be paid to the King, his Heirs and Successors, as in the former Act is directed; saving only that the Lands in the Province of Ulster, which by the former Act were charged with one penny the Acre Quit-Rent, shall from henceforth be 2 pence the Acre Quit-Rent. And such Order of Council as shall be made at any time during the space of 3 Years after the passing of this Act, to make Abatement, or moderate any Quit-Rents, and Enrolled in the Court

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of Exchequer, shall be as good as if the same had been enacted by these Presents.

**CXLVII.** The Years Rent chargeable upon all the Lands in *Ireland*, belonging to any Popish Recusant, Adventurer, &c. (except the Lands settled by *Erasmus Smith* to any pious or charitable Uses) to be paid in 2 equal Payments in two Years time; and persons making Default by the space of 20 days, to pay double. And if the Monies to be raised shall fall short of the Sum of 30000 Pounds *Sterling*, then the Lord Lieutenant, &c. and Council, to assess upon all the Lands in *Ireland* so much more Money as will make up the said Sum; and the Vice-Treasurer to pay out of the same to the King the Sum of 50000 Pounds. And also unto such commissioned Officers as the Commissioners of this Act under their Hands and Seals, or under the Hands and Seals of the major part of them direct, until the whole Sum of 100000 Pounds be fully satisfied and paid. And the King by his Declaration having intituled the Duke of *Ormonde* and his Dutches to great quantities of forfeited Lands: which if extended to the utmost would greatly hinder the Settlement intended: Enacted therefore that 50000 Pounds *Sterling* be paid out of the Monies aforesaid, unto the said Duke of *Ormonde*, in lieu of such forfeited Lands. And the said Duke of *Ormonde* to hold and enjoy to him and his Heirs in full satisfaction and discharge of his Arrears as commissioned Officer, all and singular the forfeited Houses and Lands in the City of *Kilkenny*, and in the several Towns of *Clonmell*, *Carrick*, *Callin* and *Inishoge*, *Traly* and *Dingle*, and in the Suburbs and Liberties of the said Cities and Towns (other than what hath been given out to Adventurers and Soldiers, and by them, their Heirs or Assigns, were possessed upon the 7th day of May, 1659) he the said Duke paying to the King, his Heirs and Successors, yearly for ever out of the same, 1 Shilling and 6 Pence out of every twenty Shillings yearly Rent, which shall be had or answered out of the said Houses or Tenements. And the said Vice-Treasurer to issue out and pay the whole residue of the said 300000 Pounds unto such person or persons as the King already or hereafter shall appoint, as a reward of their eminent Services and Sufferings for him and his Royal Father.

**CXLVIII.** The Lands of the Regicides in the former Act named, which by the said Act were or ought to be vested in *James Duke of York* (other than the Lands Granted to *James Duke of Ormonde* and the Lady Dutches his Wife, or either of them, by this and the said former Act: And other than the Lands Granted to *Michael now Lord Archbishop of Dublin*, and heretofore *Lord Bishop of Cork*; and the Lands Granted to *Francis Lord Aungier*: and other than the Lands Granted to *Sir George Lane* before, and confirmed in and by the said former Act; and other than the Lands settled upon *Hercules Huncks* by the said former Act; which shall remain to them their Heirs and Assigns accordingly; and other than the Lands which have been decreed away by the Commissioners for Execution of the late Act) shall be and continue vested in his Royal Highness and his Heirs as fully and amply as by the said former Act is mentioned, discharged of all Rents and Services by this or the former Act reserved, but subject to the same in case he or his Heirs shall Alien or Demise the same otherwise than for Lives or Years, reserving the full Moyety of the improved Rent. And where any of the said Lands have been evicted or recovered from him, to have the like quantity of Forfeited Lands in the Counties of *Dublin*, *Louth*, *Kildare*, and *Cork*, or some of them if it may be, or otherwise elsewhere. The Deficiencies of other persons whose Estates are vested in the said Duke, and Monies lent for Provisions, &c. to be satisfied out of other Forfeited Lands and Houses for that purpose; saving always to *Arthur Earl of Anglesey* such Title

Title to such part of the Premises as hath by vertue of the said former Act or this, or by vertue of an Indenture of Lease made between the said Duke and the said Earl.

CXLIX. This Act not to be prejudicial to *George Duke of Albemarle*, his Heirs or Assigns, of, in or to any Lands, &c. accruing to him or them; and that the Ferry at *Wexford*, with all the Profits thereof, be vested and settled in him and them; and he and they to have set out and allotted so much Lands in the County of *Wexford*, held in *Custodiam* of the King by *Sir Richard Clifton*, Knight, as may be equal in quantity and profitable Acres to what has been decreed and evicted from him, and in value to such Incumbrance as has been satisfied by him.

CL. *Thomas Earl of Southampton*, *Anthony Lord Asbly*, *Sir Orlando Bridgeman*, Knight and Baronet, and *Sir Henry Vernon*, Knight and Baronet, to have and enjoy unto them, their Heirs and Assigns, the Castle, Mannor, and Abbey of *Eniscorthy*, in the County of *Wexford*, and all the Mannors, Towns, &c. late of *Robert Wallop*, called *Kilbeg*, *Cloine*, *Trumsalow*, and *Effernock*, in the said County of *Wexford*; and all other his Lands, &c. in the said County. And all Houses, Tythes, &c. late of the said *Robert Wallop*, yearly arising or happening within the Towns, &c. and Tythable Places of *St. Marget*, *St. Ivern*, *Ibbartenon*, *Kilmore*, *Killame*, *St. Peters*, *Cryck*, *Killony*, *Ballyfonon*, *Bullalden*, *Killish*, *Ardcavan*, and *Ardcolme*, *Kilmallock*, *St. Nicholas*, *Takillin*, *Skreen*, *Killis*, *Balmenlane*, *Selsker*, and *St. Toolnack*; and all that Priory or Rectory and Church Impropriate of *Selsker*, in the County of *Wexford*; and also all his Estate whatsoever in *Ireland*, Granted to them by the King's Letters Patents under his Great Seal of *England*, bearing date the 26th day of *September*, in the 13th Year of his Reign. And that the same Premises be Vested and Settled in them as fully as if the said Letters Patents had been good and effectual in the Law, any thing in this or the former Act to the contrary hereof in any wise notwithstanding.

CLI. *Sir Maurice Eustace*, Knight, late Lord Chancellor of *Ireland*, *Arthur Earl of Essex*, *Roger Earl of Orrery*, *Charles late Earl of Montrath*, *Richard Lord Baron of Coloony*, *Michael late Lord Bishop of Cork*, now Lord Chancellor of *Ireland* and Lord Arch-Bishop of *Dublin*, *John Lord Viscount Massareen*, *Mark Lord Viscount Dungannon*, *Robert Boyle*, Esq; *Sir Arthur Forbes*, Major *George Rawden*, now Sir *George Rawden*, Baronet, and the Relift and Heirs of Sir *Simon Harcourt*, and the Relift and Children of Colonel *George Cook*, and the Orphans of Colonel *Owen O Conolly*, *Sir George Lane*, *Sir James Waymes*, *Sir George Astough*, *Sir Theophilus Jones*, *Sir Walter Plunket*, *Sir George Preston*, *Sir John Bellew*, *Sir Martin Noell*, *Sir St. John Brotherick*, *William Legg*, Esq; *Edward Vernon*, Esq; *Robert Southwell*, Esq; Captain *William Hamilton*, *Maurice Keating*, Esq; *Erasmus Smit*, Esq; *Susanna Battwick* and her Children, *Sir William Petty*, and all others particularly provided for in the said former Act, and not particularly mentioned in this present Act, and other special Provisions made for them; to have and enjoy all the Lands, &c. in and by the said former Act Granted, Disposed and Confirmed to them, (and not decreed away by such Decrees as are herein confirmed) and all other the benefits of this Act, and by the said former Act relating to them. And *Sir William Penn*, his Heirs and Assigns, to hold and enjoy all the Lands in the County of *Cork*, whereof he or his under Tenants was upon the 1st day of *May*, 1664, in Possession as Tenant to the King; and if the same fall short of 1000 Pounds per Annum, above all Quit-Rents and Reprizes, then the Commissioners of this Act to set out as much other forfeited Lands to him as may make up the same to that full clear yearly value; and if the Lands he shall hold at the time aforesaid

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exceed that value, over and above all Quit-Rents, &c. then he, his Heirs and Assigns to reconvey to the King, his Heirs and Successors, so much thereof (as by the Commissioners shall be declared, or by Inquisition to be taken within two Years after the Royal Assent given to this Bill) shall be found to be over and above the yearly value of 1000 Pounds per Annum, as aforesaid.

**CLII.** The Earl of *Clanrickard*, Earl of *Castlebaven*, *Murrough* Earl of *Inchiqueen*, the Earl of *Clancarthy*, Lord *Viscount Dillon*, *Simon Luttrell*, *Dudley Bagnell*, Esqrs; *Henry Bagnell*, *Catherine Corbet*, *Theobald Purcell*, Esq; and such others who are particularly mentioned in the said former Act, to be restored to their Estates, and therein and thereby are restored, shall stand and continue restored to, and Vested in such their Estates as did truly and without fraud upon the 22d day of *October*, 1641, belong to, and were enjoyed by them or their Ancestors or Heirs. And the said persons who claim any benefit by the Clauses aforesaid, shall make out their Title before the Commissioners of this Act, within such time as they shall appoint; and take out Decrees for so much as shall be allowed upon their Claims, or in default thereof, to Forfeit two Years Value of the Lands in their Possession, one Moyety to the King, and the other to the Informer.

**CLIII.** *Thomas Piggott*, Esq; and *Mattibew Lock*, Esq; shall have and enjoy to them and their Heirs 2 full Third parts of the Lands in *West-Meat*, Settled on them by the said former Act.

**CLIV.** Persons having Decrees, if found in 2 years time to have more Lands than they were possessed of in 1641, (unless they within 3 Months after the sitting of the Commissioners surrender the Possession so unduly retained) to forfeit double the value thereof, one Third part to the King, and 2 parts of the said Forfeiture to him or them that will sue for the same in any of the 4 Courts of Records at *Dublin*, by Action of Debt, &c. and no Wager of Law, &c. to be allowed.

**CLV.** All the Clauses in the said former Act contained, and not herein altered, explained or repealed, and which will consist with the Execution of this Act, shall remain and be of such like Force as they were before the passing of this Act: And all other Clauses which will not consist with the effectual Execution of this Act, shall stand and be Repealed. And all Clauses in either of the Acts (so far as the same remain in Force) shall be expounded in all Courts and Places whatsoever, most beneficial for Settling the persons Estates and Interests of Protestants, who are principally by these Presents to be Settled and Secured.

**CLVI.** Decrees of the said former Act whereby any Protestants have been declared Innocent, are absolutely confirmed; and the Decrees for Papists Innocency (if taken out within three Months after the first sitting of the Commissioners) are absolutely confirmed, with some Exceptions (if made within certain times then shortly following), but such persons declared Innocent, and to whom any Lands have been restored and decreed by the Commissioners, shall not be permitted to sue or prosecute the persons against whom such Decree was made, concerning any Mesne Profits of the Lands so, as aforesaid, decreed either in Law or Equity. And no Decree wherein any person or persons have been declared Innocent *Quo ad hoc*, shall give them any Title by virtue of any such Decree, to enter upon or enjoy any more or other Lands, than what were particularly mentioned in such Decrees."

**CLVII.** The Decree whereby *Oliver Earl of Tyrconnel* hath been declared to be Innocent, is hereby declared null and void; and Enacted that he shall hold to him and his Heirs the Lands in *Cappock* in the County of *Dublin*, and *Hanlstown* and *Attronan* in the County of *Meath*, Mortgaged by

by the Lord Viscount *Fitz-Williams* his Father, and Forfeited to the King: And that the King's Letters Patents under the Great Seal of England, bearing date the 8th of June, in the 16th Year of His Reign, containing the Earl's Pardon, and a Clause of Restitution of all his Lands shall be confirmed, and shall be held and enjoyed accordingly, subject to Quit-Rents, as aforesaid.

**CLVIII.** No Lands whereof the Provost, Fellows and Scholars of the Holy and undivided Trinity of Queen *Elizabeth* near *Dublin*, were Seized in Fee in the Year 1641, and are now in their actual Possession; nor any Lands held by virtue of any Grant, Lease or Fee-Farm, from them, and Forfeited to the King, shall be disposed by virtue of this or the former Act, but that the same remain and be in the said Provost, &c. and their Successors for ever; subject nevertheless to the Payment of such Quit-Rents for the same, as Adventurers and Soldiers by virtue of this or the former Act ought to pay.

**CLIX.** All Letters Patents of any Lands Titles of Honour, or any Annuity, Pension or Office within this Kingdom not Enrolled, shall be Enrolled in the Chancery of *Ireland* within two Years next after the Royal Assent to this Bill given, under pain of Forfeiture of two Years value of any Lands, &c. whereof the Patents shall not be Enrolled as aforesaid, one Moyety to the King, His Heirs and Successors, and the other to the Prosecutor to be recovered in any Court of Record, wherein no Essoyn, &c. shall be allowed. And persons having any Patents touching any Titles of Honour or Dignity offending herein, to Forfeit 100 Pounds Sterl. to be divided and recovered as aforesaid.

**CLX.** All Letters Patents to be Granted of any Titles of Honour, Offices or Lands, shall contain in them a Clause requiring the Parentees to cause the same to be Enrolled in the Chancery of *Ireland*, within a time therein to be Limitted; and all Letters Patents wherein such Clause shall be omitted, are declared to be utterly void, and of none effect. But nothing in this or the former Act contained shall extend to prejudice or alter the Right or Title which *Elizabeth* Countess of *Guildford* hath to the Manors, Castles, Towns, &c. in the County of *Cork* as her Joynure or Dower, as the Relict of the late Viscount *Kynalmeaky*, but that she may possess the same.

**CLXI.** Charles Lord Viscount *Fitz-Harding* shall hold and enjoy to him and his Heirs, all the Lands lately Granted unto *Charles* late Viscount *Fitz-Harding* (afterwards Earl of *Falmouth*) and his Heirs, by Letters Patents under the Great Seal of *Ireland*. Provided if the King at any time within the space of two Years, pay to the said Viscount *Fitz-Harding* his Heirs or Assigns, the Sum of 20000 Pounds, then all the said Lands so Granted to return to and remain in the King, His Heirs and Successors, to the uses of this Act; and that until the whole Sum aforesaid shall be paid and satisfied as aforesaid, the Lord Viscount *Fitz-Harding* to retain and keep the Possession thereof, and receive the Profits to his own Use without any Account to be therefore made.

**CLXII.** Henry Lord *Arlington* to hold and enjoy to him and his Heirs, all the Messuages, Lands, &c. whereof *Lewis* Lord Viscount *Clanmalira*, or any in Trust for him, was Seized or Possessed the 22d day of October, 1641, Granted to the said Lord *Arlington* by Letters Patents, bearing Date the 5th of November in the 14th Year of the King: and the said Letters Patents are confirmed, and the Adventurers and Soldiers to be removed for his peaceable Possession, to be satisfied their full 2 Third parts in like manner, and with other Adventurers and Soldiers. The said Lord *Arlington*, his Heirs and Assigns, before the First day of January next ensuing, to assure unto Francis Lord *Aungier*, his Heirs and Assigns, so much of the Premises,

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Premises (as *Arthur Earl of Anglesey* and *Roger Earl of Orrey*, or the Survivor of them, shall by any Writing under his or their Hands and Seals before that time to be made) declare and appoint, in lieu and recompence of the Estate of the said Lord *Aungier*, of and in the Premises; and in default thereof, he to hold and enjoy to him and his Heirs the Lands in his Possession, and to which he stands Intitled by the said former Act, according to the Tenor thereof.

**CLXIII.** Sir *John Percivall*, Baronet, appointed Register to the Commissioners during his Life, and to take care of all publick Papers, Books, Writings and Records, &c. and all persons formerly concerned, to deliver their Papers to him; and the Lord Lieutenant, &c. and Council, to send for any persons suspected to have any Books, &c. and to examine them upon Oath, and commit them to Prison in case of refusal to deliver them up. And the said Sir *John* himself, or his Deputy (for whom he will answer) from time to time to attend the Commissioners, to Enter, Register, Draw up, &c. all Warrants, Orders, Decrees, &c. and to act and do, or cause to be acted and done, all things concerning the said Office of Register, as fully as any Register to the Commissioners for Execution of the said former Act did or ought to have done, he and they taking such Fees only, and no other, as by the Lord Lieutenant, &c. shall be held reasonable: And yearly every Year during the Execution of this and the former Act to accompt for and pay to the said Lord Lieutenant, &c. one Third part of the clear Annual Profits of the said Office (necessary Charges first deducted) and the Lord Lieutenant, &c. to cause the same to be Issued out and paid from time to time to such person or persons as the King shall appoint, and the Lord Lieutenant's, &c. Acquittance to be his Discharge for so much as is therein contained. And the Commissioners to administer an Oath (set down in this Act) to him, and all others to be employed in any Ministerial Office, for the true performance thereof.

**CLXIV.** During the space of 7 years from the 1st of May, 1665, the Lord Lieutenant, &c. and Council Impowered to make Rules and Orders for the better Planting the Lands Vested in the King with Protestants; and the same to abide in Force for so long time as shall be therein limited and appointed. And also for the space of 7 Years from the 29th day of September, 1665, to make the like Rules and Orders for the better regulating of all Cities, Walled Towns, and Corporations, both new and old, and to inflict such Penalties for the breach thereof as they think fit, so as the same do not exceed further than to the Removal and Disfranchisement of the Offenders, and the same to be of Force as aforesaid, for such time as shall be therein limited and appointed.

**CLXV.** The 49 Officers and Soldiers, and *Connaught Purchasers* to pay such Sums of Money as *Arthur Earl of Anglesey*, *Roger Earl of Orrey*, the Lord Viscount Conway, Lord Kingston, Sir *John Skeffington*, Baronet, Sir *Thomas Clarges*, Knight, Sir *Thomas Stanley*, Knight, Sir *Richard Kerle*, Sir *William Petty*, Doctor *Robert Gorges*, Henry *Nicholl*, John *Brett* and Miles *Corbet*, Esqrs, or any three or more of them, meeting at Dublin the first Tuesday in Hillary Term, 1665, or any other Term after, at the Four Courts in Dublin, between 2 and 5 of the Clock in the Afternoon, shall think fit, and Affects not exceeding 2 Pence every profitable Acre confirmed to them and in their Possessions, or at any time after to be confirmed, the same to be paid to the Receivers herein after mentioned, to be disposed by them, or any three or more of them, for the better furtherance and management of their common Interest, and not otherwise; and for default of Payment, double the Sum charged, to be levied by Distress and Sale of the Refusers Goods and Chattels.

**CLXVI.** The

**CLXVI.** The Lands settled upon *Erasmus Smith*, Esq; for Pious Uses, not to be allotted to any Adventurer or Soldier ; and if any of them have been Evicted or charged by any Decree confirmed by this Act ; then the Commissioners to cause a like quantity of forfeited and profitable Acres to be set out in the County of *Louth*, (if so much may be found there) or otherwise elsewhere for the same pious Uses as may be sufficient to recompence the loss thereof. And such Lands in the County of *Tipperary*, given by Letters Patents to Sir *John Stephens*, to which the said *Erasmus Smith* claims Title as an Adventurer, if the Commissioners upon Examination find that he had the same in Possession upon the 7th day of *May*, 1659, as an Adventurer, then the same to be restored to him, and he enabled to sue for the mean Profits ; but if it be found the Lands were not so held by him, but that the same were concealed, then the same to be decreed to the said Sir *John Stephens* ; and such Decree as shall be made touching the Premises, to be binding to both Parties.

**CLXVII.** For the Debentures purchased by *William Montgomery* of *Rosemount* in the County of *Down*, Esq; the Commissioners to set out to him so much forfeited Lands as may be sufficient to satisfy the same according to such Rules and Proportions as any other like Debentures ought by the Rules of this Act to be satisfied.

**CLXVIII.** Colonel *John Fitz-Patrick*, of *Castletown* in the *Queen's-County*, confirmed in his Estate, and restored unto, and vested in him and his Heirs, by a certain Clause in the said former Act.

**CLXIX.** *Theobald Earl of Carlingford* confirmed in the Lands and Tenements Granted to him by the said former Act, any Retrenchment, Change, or other Alteration thereof, made by the Lord Lieutenant and Council of *Ireland*, and any Clause in the said former Act, or this present Act, to the contrary thereof notwithstanding.

**CLXX.** Sir *Richard Ingoldsby*, Knight of the Bath, and Sir *Henry Ingoldsby*, Baronet, to hold and enjoy to them and their Heirs, all the Lands within and contiguous to the Mile-Line in the County of *Clare*, set out to them in satisfaction of 1515 Pounds, 11 Shillings and 2 Pence, with their Houses and Gardens in *Limerick*, and Lands in their Possession on the 7th day of *May*, 1659, such part of the Premises only excepted as have been decreed away by the Commissioners of the former Act.

**CLXXI.** The Arrears due to *Henry Finch*, late of *Londonderry*, deceased, to be stated and cast up by the Commissioners of this Act ; and to be paid to *William Finch* and *Henry Finch*, his Sons and Administrators, before any Distribution made to such commissioned Officers as served before the 5th of *June*, 1649.

**CLXXII.** The Commissioners of this Act (before any distribution made to the Officers that served as aforesaid) to cast up and state the Arrears which were due to *David late Earl of Barrymore*, *James Barry*, *Agmondisham Muschamp*, Lieutenant Colonel *George Keith*, Captain *John Annefly*, Major *John Symmes*, Colonel *Robert Broughton*, *Josua Cooper*, and Sir *Michael Woodhouse*, for their Service in *Ireland*, and after the stating thereof, *Alice*, Countess Dowager of *Barrymore*, *Denny Muschamp*, Esq; Sir *Alexander Keith*, Captain *John Annefly*, *Margery Symmes* Widow, Colonel *Robert Broughton*, *Widow Cooper* and *Horatio Woodhouse*, to be respectively satisfied and paid for the Arrears they are intituled unto.

**CLXXIII.** The Lady *Mabel Tint*, Relict of Sir *Henry Tint*, to hold and enjoy the Lands and Barony of *Imokelly*, in the County of *Cork*, (Granted by Letters Patents to her Husband) for her life ; and after her Decease to be held by the Son and Heir of the said Sir *Henry Tint*, and his Heirs, during the Estate Granted : And upon Eviction of any of the said Lands, the Lord Lieu-

Lieutenant, &c. and Council, to order such Defalcation of the Rent reserved by the said Letters Patents as they think fit; and the same being enroll'd in the Exchequer, to be as effectual as if it had been Enacted by these Presents.

CLXXIV. *Francis Lye of Rathbridge, Esq; Son of John Lye deceas'd, to hold and enjoy to him and his Heirs, all the Lands in the County of Kildare or elsewhere in the Kingdom of Ireland, Granted by Letters Patents under the Great Seal of Ireland, dated the 20th of May, in the 15th Year of the King's Reign (and not since decreed away by the Commissioners of the said former Act) in as ample manner as in and by the said Letters Patents is mentioned.*

CLXXV. The Commissioners to set out unto *Edward Smith, Esq; Sir Courtney Pool, Baronet, and other the persons intituled to the Lands of Nicholas Lord Viscount Netterville, their several and respective two Thirds parts, which by the Rules of this Act they ought to have; and then to restore the said Lord Viscount unto the Possession of all the Mannors, Castles, Lands, &c. in the Kingdom of Ireland, which his deceased Father or Grandfather, or any others (from whom he can derive any Title) held and enjoy'd on the 22d day of October, 1641, (Rectories and Parsonages Impropriated, and appropriate Tythes excepted.) And the said Viscount to hold the same according to such Title as he ought to have had in the same, in case he had been adjudged innocent, and no other. And he is also restored in Blood to all intents and purposes, the Right of others which they had on the day aforesaid, or any time since (other than the King, his Heirs, and Successors, and those claiming under them, and other than such whose Right is particularly mentioned to be barred and excluded) is saved by this Act.*

CLXXVI. The Clause in the said former Act to abate the Fractions of odd Pounds, Shillings and Pence, of all Sums of Money, Debentures, &c. and the Fractions of odd Acres, Rods and Perches of Lands set out, &c. is hereby repealed.

CLXXVII. The Lord Lieutenant, &c. with any 6 or more of the King's Privy Council, are impowered to examine how much of the Penny an Acre hath been paid to Sir William Petty, Knight, for his Survey, and what remains unpaid; and to give Orders or Warrants for the levying or receiving one Penny an Acre out of all the Lands in the Admeaurement whereof he was employed, set out for Arrears, out of which such Aridge was agreed, or ought in Justice to be paid, and hath not been paid: And he to levy the same by distress, and sale of such distress as shall there be found belonging to the Occupiers of such Lands.

CLXXVIII. So much of the Clause in the said former Act as concerns the Preemption of Forfeited Estates and Interests, held of and intermixt with the Earl of Kildare's Grant, or appoints the satisfaction of personal Arrears for Service, to be within the County of Kildare, or elsewhere, at the Election of the Earl of Kildare, is repealed. And the Commissioners to set out to *John Earl of Kildare, and his Heirs, so much undisposed Forfeited Lands as shall be of the clear yearly value of 500 Pounds per Annum, over and above all Charges, to be as near to his Estate, and as contiguous to the Lordship of Kilka in the County of Kildare as can conveniently be done; and after such Allotment the same to be granted by Letters Patents under the Great Seal of Ireland, unto John Earl of Kildare, and the Heirs Males of his Body; and for want of such Issue, to remain to Robert Fitzgerald, Esq; his Uncle, and his Heirs Males; and for the default of such Issue, to the right Heirs of Wentworth late Earl of Kildare for ever; subject nevertheless to the Payment of such Sums of Money with Interest, as upon*

upon any Contract made by the said *Wentworth* late Earl of *Kildare*, touching the benefit of the said former Proviso have been paid to him, or shall be paid to such Contractors during the Minority of the said *John Earl of Kildare*, and to other Charges necessary to be disbursed for the settling and securing the Premises.

CLXXIX. Such part of the Estates of *John Fitz-Gerald*, *John Magill* and *Geoffery Fanning* (Vested in the King, His Heirs and Successors by this Act) to be Settled on them and their Heirs respectively, as the Lord Lieutenant, &c. shall think fit.

CLXXX. *Sir John Stephens*, Knight, to have and enjoy to him, his Executors and Assigns, all the Lands in the County of *Cork*, belonging to *Sir Brice Cogoran*, possessed by the said *Sir John* by vertue of Letters Patents under the Great Seal or otherwise during such Term; and under such Rents only as therein are expressed, and no other, so as he place upon so much of the Premises as shall be found to be within the Securities set apart for satisfaction of the Commissioned Officers who served before the 5th of June, 1649, so much of the stated Arrears due to such of them which are satisfiable, and no satisfaction given, as the value of the Premises may amount unto.

CLXXXI. Moneys due to the King by this or the said former Act, to be paid unto *Arthur Earl of Anglesey*, Vice-Treasurer of *Ireland*, to be Issued out and paid as follows, viz. To *Murrough Earl of Inchiquin* 8000 Pounds Sterling, to *John Lord Berkley* 4000 Pounds, to *Charles Lord Viscount Fitz-Harding* 2000 Pounds, to *Henry Coventry*, Esq; 2000 Pounds, to *Colonel William Legg* 2000 Pounds, to *Colonel Edward Villiers* 1000 Pounds, to *Elizabeth Tirrel Wife of Sir Timothy Tirrel* 3000 Pounds, to *Colonel Marmaduke Darcy* 3000 Pounds, to *Sir Connel Farrel* 2000 Pounds, to *Colonel Daniel Trefwell* 1600 Pounds, *Sir William Armorer* 500 Pounds, *Nicholas Baley*, Esq; 2000 Pounds, and *Thomas Lynch* 1000 Pounds. And if any more Money shall arise out of the Premises chargeable with the payment of Moneys to the King, than will discharge the said Sums, then the same to remain in the Exchequer at *Dublin*, to be disposed as the King shall direct.

CLXXXII. *Sir Charles Lloyd*, Baronet, to have, receive and recover the Rents of the Towns and Lands of *Sbamaclone*, *Garrons*, *Bury*, *Garrane*, *Lisbanacone*, *Ballifoukin*, *Ballimoran*, *Balliwill*, in the Barony of *Conello* in the County of *Limerick*; and of the 1500 Acres in *Garundeny* in the Barony of *Slewmargye*, in the Queen's-County, allotted to him, remaining in the hands of Tenants, or their Executors or Administrators; and which have grown due since the Lands were allotted as aforesaid.

CLXXXIII. *Sir Richard Bellings*, Knight, to be restored to all the Mannors, Lands, &c. in the Kingdom of *Ireland*, which *Sir Henry Bellings*, Knight, his Grandfather, and *Richard Bellings* his Father, or any in Trust for them, held and enjoyed the 22d day of *October*, 1641; and after such Restauration, the same to be Granted by Letters Patents, and settled and confirmed to him, his Heirs and Assigns, for ever, any cause or thing to the contrary notwithstanding.

CLXXXIV. *John Lord Kingston* to hold and enjoy to him and his Heirs, all the Lands in the said former Act confirmed unto him, (the Lands decreed away by the Commissioners, and the full benefit of Reprizals, and the Lands herein granted and confirmed unto *Charles Lord Viscount Fitz-Harding*, *Earl of Falmouth*, only excepted) as fully and amply, and with like Priviledges as any Adventurer or Soldier may hold any of their Lands: And shall also hold and enjoy to him and his Heirs, all the Towns, Lands, &c. Granted to him by the King's Letters Patents under the Great Seal of *England*, Dated the 25th of *January* in the 16th Year of His

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His Majesty's Reign, and the said Letters Patents are confirmed. But if the same Lands so Granted exceed the clear yearly Rent of 700 Pounds, and 2 full Third parts of all the Lands recovered against him by any Decree herein confirmed, then such overplus to be reconveyed to such as the Commissioners of this Act shall appoint; but in case the said Lands shall not be sufficient, then the Commissioners, or such other persons as shall be appointed, forthwith to cause to be set out to him, so much more other Lands in the Counties of Cork, Limerick and Tipperary, which by virtue of this Act may be retrenched from any Adventurers or Soldiers, or of other Forfeited Lands within the said Counties, or within the Counties of Dublin and Kildare, or some of them, as together with the Lands in the said Letters Patents, are of the clear yearly value of 700 Pounds, and as over and above the said yearly Rent are equal in value unto two full Third parts of all the Lands recovered against him by virtue of any Decrees herein confirmed; or that have been delivered up to William Lord Viscount Dungannon and others in observance to the King's Letters, and Letters Patents to be granted to him accordingly; saving unto Charles Lord Viscount Fitz-Harding and his Heirs, such Right and Title as they can claim by virtue of any Letters Patents thereof, granted unto Charles late Lord Viscount Fitz-Harding, after Earl of Falmouth, by the King, any thing before herein contained to the contrary notwithstanding.

CLXXXV. Sir John Percival, Baronet, his Executors, Administrators and Assigns, to hold and enjoy the Town and Lands in Kinsale, in the County of Dublin, for the Term of 61 Years from the 1st of May, 1663, according to the Tenor of a Lease under the Great Seal of England, to him thereof made under the Rents, &c. thereby reserved and expressed; any thing in the last precedent Clause, or in this present or any other Act, to the contrary thereof in any wise notwithstanding.

CLXXXVI. Nothing in this Act or the said Letters Patents, shall enable the Lord Kingston, his Heirs or Assigns, to hold any Mannors, &c. within the Securities of the Commissioned Officers, unless he cause so many Debentures for Arrears due to them (as are satisfiable by the Rules of this Act) and not satisfied in part, to be placed thereupon after the rate of 8 Years purchase, as may be sufficient to purchase the Premises.

CLXXXVII. All the Messuages, Castles, Lands, &c. whereof Daniel Lord Viscount O Bryen of Clare, or his Brother Tige O Bryen, Esq; or Connor O Bryen, Esq; Son and Heir Apparent to the said Lord Viscount, or Murrough O Bryen, another of his Sons, or any to their Use, were upon the 22d day of October, 1641, lawfully seized of any Estate of Freehold, or possessed of any Term of Years in being; as also one Stone House in the City of Limerick (Impropriations and Appropriate Tythes excepted) to be by the Commissioners placed in the present and actual Possession of Daniel O Bryen, Son and Heir Apparent of the said Connor O Bryen, his Heirs and Executors; and the Commissioners to grant him such Certificates as may be necessary in order to the passing Letters Patents thereof. And all Adventurers, Soldiers and Officers, who shall be removed on this account, to be satisfied by Allotment of some other Forfeited Lands as may be equal to 2 full Third parts of what they depart from, according to the Rules of this Act.

CLXXXVIII. The Commissioners to restore James Fleming of Strabolmod, Esq; unto all the Lordships, Castles, Lands, &c. whereof he, or any in Trust for him, were seized or possessed the day aforesaid; and after such Restitution, he to hold and enjoy the same to him and his Heirs, any matter or thing to the contrary notwithstanding.

CLXXXIX. Captain

CLXXXIX. Captain *Charles Farrel* also to be restored by the Commissioners to all the Lands, &c. in *Longford*, whereof he or his Father, or any in Trust for them, were seized on at the time aforesaid, or any time since; to hold and enjoy the same to him and his Heirs, subject nevertheless to the Quit-Rents by this and the former Act imposed, and liable to all Statutes, Mortgages and Debts, Charges and other Incumbrances of him or his Father.

CXC. The Commissioners out of such Forfeited Lands as shall remain undisposed; after all the English Interest herein provided for shall be satisfied, then to set out unto *Frances Darcy*, Widow, so much Land as shall be of like yearly value as the Lands which she formerly held for her Joyniture, to be held and enjoyed by her during her life.

CXCI. The Sum of 4500 Pounds (due for Service done in *Ireland* before the 5th of June, 1649) to *Arthur Lord Viscount Ranelagh*, by Debentures stated, to be paid (out of the Securities liable thereunto) unto *Richard Earl of Burlington*, *Arthur Earl of Anglesey*, *Roger Earl of Orrery*, and *Sir John Skeffington, Baronet*, and the Survivors of them. And they and the Survivors of them, and the Heirs of the Survivor, to hold, receive and enjoy to his and their Heirs, all and singular the Mannors, Lands, &c. hereafter to be allotted, or otherwise set out and assigned for the satisfaction of the said 4500 Pounds nevertheless in Trust to and for the only use of *Frances Jones* and *Elizabeth Jones* Daughters of the said Lord Viscount Ranelagh, their Executors and Assigns, and to and for no other use, intent or purpose whatsoever.

CXCII. Leafes, Terms and Estates, which on the 23d of October, 1641, did not exceed 3 Lives or 31 Years, and Forfeited and Vested in the King; whereof the next and immediate Reversion or Remainder appertains to any Innocent Protestant, are declared to be determined and void.

CXCIII. Nothing in this nor the former Act shall be taken to weaken or make void the Right which *Lawrence Hyde of Henton-Dawbney* in the County of *Southampton*, Esq; hath by vertue of any Statute, Staple, Mortgage or otherwise, unto the Towns and Town-Lands of *Ballybeneukin*, *Knockanammy*, and part of *Chancellor's-Town* in the Barony of *Iffa* and *Offa*; and the Lands of *Quarter-Cross*, Parcel of the Town and Lands of *Clare*, nor unto 2 Acres great Country Meaſure in *Burden's Grange* in the Barony of *Middlebird*, in all containing about 800 Acres, lying in the County of *Tipperary*; but that the Commissioners may examine his Title, and make ſuch Order and Decree for him or his Assigns, to hold the fame until he or they be fully ſatisfied the Money due and Interest as they ſhall think fit.

CXCIV. The Commissioners forthwith to restore unto *Murrough Earl of Inchiquin*, and his Heirs, the actual Possession of all the Castles, Lands, &c. which Colonel *Christopher Bryen*, deceased Brother to the ſaid Earl, or any in Trust for him, held and enjoyed the 22d day of October, 1641, or any time ſince (the Lands formerly belonging to him, and in the poſſeſſion of *Pierce Greagh* excepted) which are hereby granted to the ſaid *Pierce* and his Heirs: And likewife to ſet out unto the ſaid Earl and his Heirs, ſo many Acres more undisposed and forfeited Lands as may be equal in quantity of Acres to the ſaid Lands held by the ſaid *Pierce Greagh*: and after ſuch Reſtitution, the ſaid Earl to hold and enjoy to him and his Heirs the ſaid Lands and Tenements ſo as aforesaid reſtored; and the persons transplanted into or upon any part of the Premiſes, to have ſuch ſatisfaction out of the Forfeited Lands undisposed of to English Protestants, as the Lord Lieutenant and Council of *Ireland* ſhall think fit.

CXCV. The Commissioners also forthwith, and Without any previous Reprizal, to reſtore unto *Paul Sberlock*, Esq; Son and Heir of *Sir Thomas Sberlock*,

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*Sherlock*, and his Heirs, the Possession of the principal and capital Messuage or Seat, and also one Third of all the Messuages, Lands, &c. whereof the said Sir *Thomas*, or any in Trust for his use, were seized or possessed the day aforesaid (Impropriations and Appropriate Tythes excepted;) And also with all convenient speed to restore the whole residue of the said Lands (Impropriations and Appropriate Tythes excepted) the respective Adventurers or Soldiers in possession thereof, or claiming the same, being first satisfied their two Third parts, and for their Improvements. And from and after such Restitution as aforesaid, the said *Paul Sberlock* to have and enjoy the same to him and his Heirs, in as ample manner as he or they might have done if Sir *Thomas* his Father, had not been decreed *Nocent*.

CXCVI. *Nicholas Burke* of Limerick, Son and Heir of *James Burke*, his Heirs and Assigns, to be restored also to the principal and capital Messuage, whereof he or his Father, or any in Trust for them, were seized or possessed the same time: And also to 2000 Acres thereunto adjoining, or so much thereof as they or either of them, or any, &c. were seized, &c. and that so much other Forfeited and undisposed Land, to be likewise set out, and allowed to him and His Heirs, and within such County and Barony as the Lord Lieutenant, &c. and Council shall direct and appoint.

CXCVII. The Commissioners to restore forthwith to the Lord Viscount *Gormanston*, and his Heirs, all the Messuages, Mannors, Lands, &c. (to which he is not restored by some Decree of the Commissioners of the said former Act, herein confirmed) whereof he or *Nicholas* late Lord Viscount *Gormanston*, his Father, or any for their use, were seized or possessed the time aforesaid (Impropriations and Appropriate Tythes excepted) the Heirs or Assigns of *Charles* late Earl of *Mountrath*, having or claiming the same, being first satisfied by an Allotment to them and their Heirs, of so much Forfeited Lands as may be equal in quantity and number of profitable Acres to the Lands so as aforesaid to be restored; and being also first satisfied or secured for the Rents and Mesne Profits received by the said Lord Viscount *Gormanston*, or his Assigns, since his Entry, or to be received until such Allotment be made, according as the same shall be ascertained by the Commissioners, and at such time and in such manner as they shall appoint. And after such Restitution made as aforesaid, the said Lord Viscount *Gormanston*, to hold and enjoy to him and his Heirs and Assigns, all and singular the said Lands, &c. so restored.

CXCVIII. *John Grace* of *Courtstown*, Esq; and Col. *Richard Grace*, and their respective Heirs, to be restored to all the Messuages, Lands, &c. (except Impropriations and Appropriate Tythes, and except the Houses in *Kilkenny*) which they or either of them, or any, &c. held and enjoyed the time aforesaid, and which are not already restored to the said *Richard Grace* by some Decree, &c. (Adventurers, &c. being first satisfied their Proportions and Improvements, &c.) and from and after such Restitution so made as aforesaid, to hold and enjoy the same to the said *John Grace*, his Heirs and Assigns, and to the said *Richard Grace*, his Heirs and Assigns.

CXCIX. *Patrick Arthur*, Merchant, also to be restored forthwith to all and singular Lands, &c. which he or any, &c. held and enjoyed at the time aforesaid (Adventurers, &c. being first satisfied as aforesaid) and then after such Restitution, to have and enjoy the same to him and his Heirs.

CC. The Sum of 10000 Pounds to be secured by *Richard Earl of Clancrickard* unto *Charles* late Viscount *Musky*, by the yearly payment of 2000 Pounds Sterling yearly per Annum, during the term of five years from the 8th day of April, in the 14th Year of the King's Reign, are enlarged for three

three Years more next after the said five Years ended: And if the Payments be made and determined within that time, then the same to be as good in Law as if it had been made within the said 5 Years; and in all other things the Letters Patents granted to the said Earl, to be as good and effectual in Law, and of like Force as the same were before the making of this Act.

CCII. All persons, their Heirs and Assigns, holding or claiming any Messuages, Mannors, Lands, &c. by virtue of any Clause in this Act contained, or by virtue of any Letters Patents, Grant, Restitution, or other Disposition or Allotment herein made, shall be subject unto, and charged with all Debts and Sums of Money due and owing by them or any other, whose Heirs, Executors or Administrators they are, and under whom they claim their Allotments as Heirs, &c. whether the Debts be due and owing by Specialty or Matter of Record. And that all the Messuages, Mannors, Lands, &c. so held and claimed as aforesaid, shall be accounted as Assets in Law towards the payment of all such Debts to which the first Takers thereof are in their own Right, or as Heirs, Executors or Administrators, of any others, made lyable by this Act.

CCIII. The Heirs and Assigns of *Charles Earl of Montrath* to hold and enjoy all such Lands as were granted to him by Letters Patents of the late Usurped Powers, whereof he was in possession the 7th of March, 1659, (except such as have been decreed or shall be restored to the Irish Proprietors) for which he or they to have the like quantity of profitable Acres set out, and that all the Lands, &c. and other the Advantages by this or the said former Act, intended to be given, granted or confirmed unto the said late Earl, shall stand and remain disposed and divided among and between the present Earl of Montrath, the Relist and younger Children of the said late Earl; subject and liable to such Uses, Debts, Portions and Legacies as are expressed in a Decree made by the Lord Lieutenant and Council, bearing date the      day of October, 1663.

CCIII. The Speaker of the House of Lords and Clerk of the Council of Ireland, to be comprehended in the Clause of the former Act, wherein the Speaker of the House of Commons, the Clerk of the House of Lords, and the Clerk of the House of Commons, and others mentioned in the said Clause, be paid by such person and persons, &c. as are therein mentioned, such Fees, and no others, as the Lord Lieutenant, &c. and Council shall think fit; which being ascertain'd, like remedy to be given for the recovery thereof as in and by the said Clause of the said former Act is provided.

CCIV. No Lease or Custodiam granted by the King unto *Edward late Lord Bishop of Limerick*, now Bishop of Cork, Cloyn and Ross, or unto any other, of any Lands in the Barony or Baronies of Conello and Pople-Bren, in the County of Limerick, whereof *William Barker*, Esq; his Agents or Under-Tenants, was in Possession the 7th day of May, 1659, shall any ways prejudice his Title to enter and take Possession of the same, not decreed away by the Commissioners of the said former Act, and to hold and enjoy the same to him the said *William Barker*, his Heirs and Assigns, with the like advantage in retaining the Possession and retrenching the Third part thereof, or placing such Debentures thereon as are satisfiable by the Rules of this Act, as any Adventurer or Soldier ought to have: And the Commissioners to give such Certificate for passing Letters Patents as may be necessary for his Settlement, in lieu and satisfaction of his Purchase of *Gilbert Marshal*, in as ample Manner as he might have held the same if no such Lease or Custodiam had been granted; subject nevertheless to the Quit-Rents, &c. as other Adventurers in the County of Limerick ought to pay, and with like benefit as they ought to have.

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**CCV.** Treasurers appointed and Authority given them by Order under their Hands and Seals to cause to be levied any Sum or Sums of Money (as the Committee of Adventurers sitting at *Grocers-ball, London*, or any seven or more of them shall think fit to appoint) upon all and every the Adventurers in *Ireland*, the Lands, Lessees, Tenants or Assigns, by Distress and Sale of their Goods, rendering the Overplus to the Owners: and the Lessees, Tenants or Assigns, to retain so much of their Rents in their Hands, as the same Sum to be levied amounts to, the Sum so to be levied not to exceed two Pence for every Twenty Shillings, originally paid by Adventurers, and satisfied in Lands in this Kingdom. None to be charged that formerly paid the same, and the Treasurers to appoint trusty Collectors of the Money, and they not to dispose thereof without Order from the said Committee, or any seven or more of them.

**CCVI.** The Commissioners forthwith (and without staying for any previous Reprizal) to restore Sir *Henry O Neale*, his Heirs and Assigns, to all the Lands in the County of *Antrim*, whereof he, or any in Trust for him, or to his use, were seized or possessed upon the 22d day of *October, 1641*, and after such Restitution in lieu thereof, with all convenient speed to set out unto *John Lord Viscount Massareen*, his Heirs and Assigns, so much other Forfeited Lands of equal value with the Lands so to be restored, in the County of *Louth*, if there shall be found sufficient there; if not, then out of other Lands to be disposed of by this Act: And that such further satisfaction be given to the said Lord *Massareen* and his Heirs, as is appointed by the said former Act, and will stand with the Rules of this Act, so that the Lands may as near as may be lye contiguous; and that like effectual Letters Patents be thereof granted to him, his Heirs and Assigns, as any other Adventurer or Soldier by the Rules of this Act ought to have.

**CCVII.** The Town and Lands of *Artain*, alias *Tartain*, with the Appurtenances, containing 225 Acres, to be granted to Sir *Nicholas Armourer*, Knight, his Executors, Administrators and Assigns, according to the Tenor of the King's Letters Patents under the Great Seal of *Ireland*, bearing Date the 19th day of *November*, in the 15th Year of His Reign.

**CCVIII.** All the Messuages, Lands, &c. whereof Sir *John Fitz-Gerald*, Knight, died seized, and whereof Sir *John Fitz-Edmund-Gerald*, Knight, the Grandchild, died seized or possessed in the Year 1640, and which were then belonging, and of right appertaining to the Bishop of *Cloyn* and his Successors, and were by the last Will and Testament of the said Sir *John Fitz-Edmund-Gerald*, and the Schedule and Codicil thereunto annex'd, dated the 1st day of *September, 1640*, Given and Bequeath'd to King *Car. I.*: are hereby Vested and Settled in the now Bishop of *Cloyn* and his Successors for ever (the several Rectories and impropriate Tythes bequeathed to the said late King only excepted) which are hereby declared to be Vested and Settled in and upon such of the present and future Incumbents and their Successors, who have or shall have actual cure of Souls in those respective Parishes wherein such Impropriations are, and such impropriate Tythes do arise and renew; and in default of an actual Incumbent, then in the respective persons now serving the Cure, and their Successors; and the Presentation to the respective Churches so as aforesaid endowed, shall be for ever, and the Patronage thereof in the King, his Heirs and Successors. And all other the Lands, &c. so given and bequeath'd as aforesaid, and not formerly belonging to the Bishoprick or See of *Cloyn*, shall be Vested and Settled in the King, his Heirs and Successors; and the Lord Lieutenant to cause a Leaf of so much as is hereby settled in the King, to be passed under the Great Seal of *Ireland* unto *Edward Bishop of Cork, Cloyn, and Ross*, and *Sir William Flower*, their Executors and Assigns, for the Term

Term of 21 Years, rendering yearly unto the King, his Heirs and Successors, after the Rate of treble such Quit-Rents as the Adventurers and Soldiers do pay for the like proportions within the said Province of Munster ; saving and reserving nevertheless to Edmund Fitz-Gerald of Ballymalow, and his Heirs, all such Right and Title which he had unto the Premises, or any part thereof upon the 22d day of October, 1641.

CCIX. The Commissioners to set out and allot unto the Provost, Fellows and Scholars of the College of the Holy and Undivided Trinity near Dublin, the 666 Acres, 2 Roods, and 26 Perches English Measure, in the County of Tipperary, and Barony of Eliogarty, heretofore allotted to William Sheers for his Father's Debentures of 300 Pounds, which in pursuance of a Decree in the Chancery in England, were since conveyed to the said Provost, &c. towards the satisfaction of a charitable Request devised to them by Elias Travers, Doctor of Divinity, deceas'd ; and that like effectual Letters Patents be thereof granted to the said Provost, &c. and their Successors for ever, as any Adventurers or Soldiers by the Rules of this Act ought to have, to be held by them the said Provost, &c. and their Successors, without any Defalcation or Deduction whatsoever ; subject nevertheless to the Quit-Rents by this Act imposed.

CCX. The Isles of Arran, commonly called the great Island, the small East Island, and the Island of Inish-Main, lying in the half Barony of Arran, in the County of Galway, with all the Royalties, Minerals (Royal Mines excepted) Fishings, &c. and Appurtenances whatsoever therewith enjoyed by the former Proprietors thereof before the 22d day of October, 1641, are vested in, settled upon, and confirmed unto Richard Earl of Arran, his Heirs and Assigns for ever ; subject nevertheless to such Quit-Rents payable to the King, his Heirs and Successors, as other the Lands lying and being in the Province of Connaught, allotted to Adventurers and Soldiers, are liable to pay.

CCXI. The Commissioners forthwith and without any previous Reprisal, to restore unto Patrick Lord Baron of Dunsany, and his Heirs, the principal and capital Messuage or Seat, and one Third part of all the Castles, Lands, &c. which he or any to his use were seized or possessed of upon the 22d day of October, 1641, (except Improvements and Appropriate Tythes) and with all speed to restore the whole residue of the said Lands, &c. (except before excepted) unto him and his Heirs, the Adventurers or Soldiers in possession thereof being first satisfied their shares and proportions for their Improvements ; and from and after such Restitution, then to hold and enjoy the same to him and his Heirs.

CCXII. The Commissioners to examine the Difference between Elizabeth Maffam, Widow, and Sir Robert Forth, Knight, about the 1000 Acres in the Barony in Slane, of forfeited Land ; and if they find the possession of the Premises to have been wrongfully taken from the said Elizabeth, then to cause her to be put into the possession thereof, and to hold the same to her and her Heirs as fully as any Adventurer by this Act ought to do, until the Commissioners shall set out to her and her Heirs so much thereof as they shall adjudge to amount to her proportion : And if they find the said Sir Robert Forth's Title to possess the said Lands to be good then to set forth such satisfaction of Land for the said Adventure as shall be according to this Act ; and Letters Patents to be thereof granted to the said Elizabeth, and she to enjoy the same to her and her Heirs and Assigns accordingly.

CCXIII. So much forfeited and undisposed Land to be set out by the Commissioners to John Wakeham and Richard Wakeham, as may be equal in quantity of Acres unto two full third parts of the Lands whereof they were

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were possessed before the 7th of May, 1659, for their Arrears (and were outed thereof) as fully and amply as if they had been thereof possessed upon the said day.

CCXIV. The Commissioners to restore *James Reynold* of *Loghscurr*, in the County of *Leitrim*, Esq; and his Heirs, to the possession of all the Lands, &c. which his Father, or any for his use, were seized or possessed upon the 22d day of *October*, 1641, or at any time since, the Adventurers, &c. being first satisfied their shares and for their Improvements; and after such Restitution to hold and enjoy the same to him, his Heirs and Assigns.

CCXV. Nothing in this or the said former Act shall extend to bar any Right or Title of Escheat which the King hath to the Lands of *Con O Rourke*, in the County of *Leitrim*, lately deceased without Heirs; and which is found by Inquisition remaining upon Record in Chancery; but that the King's Right be fully saved unto him and his Successors, any Seizure or Sequestration of the Premisses, or any part thereof, upon the account of the late Rebellion or War, or any other matter or thing in this or the said former Act, contained to the contrary notwithstanding.

CCXVI. The Commissioners (out of such forfeited Lands as shall remain undisposed after all the English Interests are satisfied) to set out to *Mary Coglan*, Widow, the Relict of *Terence Coglan* of *Kilcolgan*, in the King's-County, Esq; deceas'd, so much Land as shall be of like yearly value as the Lands which she formerly held for her Joyniture, to be held and enjoyed by her for her Life.

CCXVII. The like to be done for *Anne Lady Dowager of Slane*, to be of like value as the Lands she held for her Joyniture, as Widow and Relict of the Lord *Delvin* her former Husband, to be held and enjoyed by her for her Life.

CCXVIII. *John Talbot* of *Malabide*, to be restored to all the Lands, &c. in the County of *Dublin*, which he held and enjoyed upon the 22d day of *October*, 1641, or at any time since (such as purchased the same from *Sophia Bastwick* or her Children, or their Assigns, being first satisfied out of the forfeited Lands undisposed of by this Act) by an allotment of so many Acres as may be equal in value to the Lands so restored) and after such Restitution, to hold and enjoy the same to him and his Heirs, but subject to Quit-Rents.

CCXIX. *Sir George Herbert* of *Dorroe* in the King's-County, Knight and Baronet, to be also restored and placed in the actual Possession of all the Lands, &c. which he or his Uncle *Jasper Herbert*, or any to their or either of their uses, held and enjoyed on the day aforesaid, or at any time since (the Adventurers, &c. being first satisfied for their Shares and Improvements) and after such Restitution, to hold and enjoy the same unto him and his Heirs, by such Tenures, Rents and Services (Tenures in Capite by Knights Service excepted) as the same were held the day aforesaid.

CCXX. *Sir Henry Titchburn*, Knight, to hold and enjoy to him and his Heirs, all the Lands which were set forth to him in satisfaction of Money and other Provisions by him furnished for the Relief of the Army in *Ireland*, between the Years 1641 and 1643, which have not been decreed away by the Commissioners of the said former Act; and that the Commissioners of this Act out of the forfeited Lands which shall remain undisposed of by this Act, to Adventurers or Soldiers, do set out to him so many Acres of forfeited Land as may be equal in quality to the said Lands so decreed away, to be held by him and his Heirs, and that like effectual Letters Patents be thereof granted.

CCXXI. Tho

CCXXI. The Commissioners out of such forfeited Lands as shall remain undisposed of, to set out to *Mabell Countess Dowager of Fingall* so much Land as shall be of like yearly value as the Land which she formerly held, or ought to have held for her Joyniture, to be held and enjoyed by her for her Life.

CCXXII. All the Lands and Tenements in the Barony of *Conello* in the County of *Limerick*, set out to *Samuel Avery*, late of *London*, Alderman, as an Adventurer (not decreed away by the Commissioners of the said former Act) into whose hands soever the same be come, by any Right or Title derived by, from, or under him, his Heirs or Assigns, shall remain and continue vested in the King, his Heirs and Successors, in satisfaction of a Debt owing by him to the late Usurpers for Customs, and excepted out of the Act of General Pardon passed in *England*. And if any part of the said Lands have been decreed away by the Commissioners aforesaid, the Commissioners of this Act then forthwith to Assign to the King, under their Hands and Seals, to be enrolled in the Chancery, so much more as may be equal in quantity and number of Acres to the Lands so decreed away: Which Lands so assigned, shall be vested in the King, his Heirs and Successors, freed and discharged of the Uses and Trusts in this and the said former Act expressed.

CCXXXIII. The Earl of *Westmeath*, the Lord Viscount *Ikkerryn*, the Lord Baron of *Dunboyn*, the Lord Baron of *Trymlestown*, the Lord Baron of upper *Ossory*, the Lord *Barmingham* Baron of *Atbunry*, Colonel *Richard Butler*, Sir *Richard Barnwell*, Baronet, Sir *Redmund Everard*, Baronet, Sir *Dermot O Shagnussy*, Knight, Mr. *Edmund Fitz-Gerald* of *Balymalo*, Mr. *Thomas Butler* of *Killconnell*, Mr. *Macnemarra* of *Crevagh*, Mr. *David Power* of *Kilbolane*, Mr. *Donnogh O Callaghan* of *Clonmeen*, Mr. *Barnard Talbot* of *Ratdown*, *Conlye Geogbegan* of *Donore*, the Heirs of Sir *Lucas Dillon*, Knight, the Heirs of Sir *Valentine Blake*, Baronet, Sir *Robert Talbot*, Knight, Sir *Richard Blake*, Knight, Dr. *Gerrard Fennel*, *Geoffry Brown*, *John Brown* of *Neale*, *John Waljs*, *Thomas Terril*, *Edmund Dillon*, *Francis Coglan* of *Kilcolgan* in the *King's-County*, *Robert Nugent* of *Cartlanstown*, *Sir John Bourke* of *Derry-Maklagbney*, *Thomas Arthur*, Esq; Doctor in Physick, *Gerald Fleming* of *Castle-Fleming*, and *Bartbolomew Stackpoole*, Esq; and also the Lord Baron of *Brittas*, Mr. *Tute*, Son to *Andrew Boy Tute* of *Cullanmore* in the County of *Westmeath*, Esq; Mr. *Waljs*, Heir of *David Waljs*, of *Baly-Beagban* in the County of *Tipperary*, Esq; Sir *Edmund Bourke*, Baronet, Son to *Sir Ulick Bourke* of *Glinske*, in the County of *Roscommon*, Baronet, Deceased, Sir *Thomas Esmond*, Bart. *Sir Lucas Dowdall*, Knight, Son of *Lawrence Dowdall* of *Atblumney* in the County of *Meath*, Esq; Mr. *Waljs*, Heir of *Walter Waljs* of *Castle-Hoyle* in the County of *Kilkenny*, Esq; *Edward Wall* of *Ballynikill* in the County of *Catherlough*, Esq; Mr. *Butler*, Son of *Theobald Butler*, Son of *James Butler* of *Derry-Luscan* in the County of *Tipperary*, Esq; *James Tobyn* of *Killagbee* in the County of *Tipperary*, Esq; *Richard Butler* of *Ballynikill* in the County of *Tipperary*, Esq; *Philip Purcel* of *Ballyfoyle* in the County of *Kilkenny*, Esq; Sir *Edmund Fitz-Gerald* of *Clanlis* in the County of *Limerick*, Baronet, *Pierce Waljs* of *Abby-Ownbney* in the County of *Limerick*, Esq; *John Power* of *Doneile* in the County of *Waterford*, Esq; *Pierce Power* of *Money-Largy* in the County of *Waterford*, Esq; *William Brabazon*, the Heir of *Anthony Brabazon*, of *Ballinalack* in the County *Roscommon*, Esq; *Daniel O Bryen* of *Duagh* in the County of *Clare*, Esq; *Lord Viscount Iveagh*, Sir *Edward Fitz-Harris* of *Clogbnotefoy* in the County of *Limerick*, Baronet, *John Cantwell* of *Mokarky* in the County of *Tipperary*, Esq; and their Heirs and Assigns, to be restored by the Commissioners unto

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unto their principal Seats, that is to say, unto their principal Messuages, Houses, and Castles, (*Kilmedan* and the Lands thereunto belonging excepted) as they shall chuse within two Months after the first sitting of the Commissioners of this Act, and unto 2000 Acres of Land thereunto adjoining, if they or any of them, or their Ancestors, or any in trust for them, or to any of their Uses, were seized or possessed of so much upon the 22d of October, 1641, and were thereunto rightly intituled: And in case they were not seized or possessed of so many Acres at that time, then unto so much thereof as they were seized or possessed of as aforesaid, and which lies contiguous to their principal Seats; and if any of the 54 persons before named shall be found to be in possession of any Messuage, and Lands thereunto adjoining, which to them did rightly belong the day and Year aforesaid, and the Lands so possessed be found to exceed the quantity of 2000 Acres, then the Lord Lieutenant, &c. and Council, to cause the Surplusage thereof to be retrench'd and cut off in such Manner as they think fit; and the Land so retrench'd to remain and be vested in the King, to be further disposed of to the Uses in this Act. And the Lord Lieutenant, &c. and Council, upon due consideration of the merits of the persons aforesaid, who not having 2000 Acres lying contiguous to their Seats; or having so much, shall not think themselves sufficiently provided for, shall direct and appoint the Commissioners to set out, or cause to be set out unto any the persons aforesaid or their Heirs, so much of the forfeited Lands which remain undisposed after the several Protestants Interests herein provided for shall be satisfied, as the said Lord Lieutenant, &c. and Council shall think fit.

**CCXXIV.** But nothing herein contained shall extend to restore the said Sir *Thomas Esmond*, Baronet, to the Possession of any Messuages, Lands, &c. whereof *George Duke of Albermarle* is in possession by himself or his Under-Tenants, or any ways intituled thereunto, but that the same shall be held and enjoyed by the said Duke, his Heirs and Assigns.

**CCXXV.** And if any shall within six Months next after the Royal Assent to this Bill actually given, shall alledge before the Lord Lieutenant, &c. and Council, that the said Sir *Edward Fitz-Harris* hath committed any Massacre, Murther, or other such like heinous Crime or Cruelty upon the persons of any of the King's good Subjects; and shall prove the same by such Witneses or other Evidence as the said Lord Lieutenant, &c. shall think good Proof; then the said Lord Lieutenant, by Order of the Council, may declare and adjudge the said Sir *Edward Fitz-Harris* to be guilty; and upon such Declaration and Judgment, he and his Heirs shall be made incapable of any benefit or advantage given by this Act, or of any Restitution as aforesaid.

**CCXXVI.** And all and every the Adventurers, Soldiers and commissioned Officers, who are to be removed to make way for the restitution of the said 54 persons, or any of them, shall be first satisfied by some other Forfeited Lands to be set out to them by the Commissioners, equal in value to the Messuages, Lands, &c. from whence they are to be removed; and all and every the Protestant Purchasers in *Connaught* and *Clare* shall be first satisfied by allotment of Land equal in value unto the Lands whence they are to be removed.

**CCXXVII.** All reprimable persons to be removed from any of the Messuages, Lands, &c. for the Restitution of the said 54 persons, or any other persons herein before or afterwards mentioned, shall receive the Profits of the same without any account to be render'd for the same, 'till the Commissioners have set them out such Forfeited Lands by way of Reprisal as they shall adjudge to be due to them; and if after Reprisals set out, they

they refuse to accept thereof, and shall detain and keep possession of the Lands from which they ought to be removed, then to accompt for and pay to the Persons who ought to be restored all the Rents and Profits received from the time of letting out such Reprizals until the restorable Persons shall be put in actual Possession of the same.

CCXXVIII. All Leases made *bona fide*, of any Lands to be restored, shall be held and enjoyed by the Tenants during their Leafes, they paying their Rents reserved, and performing the Covenants therein contained, unto the persons to whom the Reversion thereof shall appertain: But if such Leafes have been made in consideration of a Fine paid, and so a less Rent reserved than otherwise the Premises were worth to be lett, then the Persons to be removed shall pay the said Fine to the Persons to be restored, and shall be satisfied for the same by such Allotment of so much other Forfeited Lands as shall after the rate of eight Years Purchase be equivalent thereunto. And no Restitution made to any of the persons herein before named (the Restitution of Francis Lord Birmingham Baron of Atbunrye excepted) shall extend to alter or diminish the Right which the Officers who served before the 5th of June, 1649, may claim by virtue of this or the former Act, to the benefit arising from the Redemption of Mortgages, &c. which do or may incumber the Premises so to be restored. Nevertheless the 54 Persons so as aforesaid, to be restored, their Heirs and Assigns (the Lord Birmingham excepted) to have Power at any time within the space of two Years next after the Royal Assent given to this Bill, to redeem all the Mortgages, &c. entred into by any Forfeiting Persons not decreed Innocent, and do incumber the Premises, so as the Money due for such part of the Incumbrances as are within the security of such Commissioned Officers be paid to their use; and no possession thereof to be delivered till Payment thereof. And those incumbred to be restored to the Lord Birmingham, to be released and extinguished; and the Commissioners to set out so much other Forfeited Lands as may be sufficient to satisfie the said Commissioned Officers for the same: And all Protestants to be removed for the restoring of the other Persons as aforesaid, upon their request to have Leases of the Messuages and Lands in their Manual Occupations for 3 Lives or 21 Years, at a moderate Rent not exceeding 3 Fourths of the true value of the Lands, in satisfaction of their Improvements, except it be a capital Messuage, and then the Party to be restored either to make such Lease as aforesaid, or pay to the Person to be removed in ready Money, the full value of such Improvements; and in case of default or refusal of making such Lease or Payment, the Persons removed shall be enabled to re-enter and to retain the Lands until the Performance thereof; and in case of difference touching the value of the Lands, the Lord Lieutenant, &c. and Council, upon Petition of the Parties concerned, may appoint Commissioners to settle the difference. Provided that nothing herein contained shall enable any of the said 54 Persons to be restored to any Appropriations or Appropriate Tythes, or any Glebe Lands parcel of any Rectory Inappropriate; but that the same shall remain to such Uses as they would have been by this and the former Act, if the said 54 Persons, or any of them, had not been named.

CCXXIX. And those who were in possession of any Lands or Houses upon the 22d day of August, 1663, to which they were restored by the King's Letters Patents, if they or their Ancestors, or any in Trust for them, were thereof seized or possessed upon the 22d day of October, 1641, and thereunto rightly Intituled, and are not otherwise provided for by this Act, shall by the Commissioners be restored unto, and put in posse-

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sion of such Houses, and so much of the Lands being contiguous thereto as shall not exceed 2000 Acres; and then to proceed therein by the same Rules as in the Restitution of the 54 Persons.

CCXXX. Nothing in the said former Act, or this contained, shall be understood to give, restore or confirm to any Irish Papist or Popish Recusant, or any seized or possessed in Trust for any such, any Advowson or Right of Patronage of or in any Ecclesiastical Benefice or Promotion, or any Right of Nomination, Presentation or Collation, or Donation of any such Ecclesiastical Benefice or Promotion, but that the same shall vest, remain and continue in the King, His Heirs and Successors, until such Irish Papist or Popish Recusant, or the right Heirs of such, shall come to Church, and receive the Sacrament according to the Rites of the Church of England; and from and after such Conformity, shall be again vested in the Person so conforming and his Heirs.

CCXXXI. Sir Edward Smith, Knight, Lord Chief Justice of the Common-Pleas, Sir Edward Deering, Baronet, Sir Allen Brodrick and Sir William Churchill, Knights, and Edward Cook, Esq; appointed Commissioners to put in Execution the Matters of this present Act, and of the said former Act remaining in Force; and an Oath set down in this Act for the Commissioners to take, before they act any thing in the Execution of their Commission, and before whom to be taken.

CCXXXII. All Doubts arising upon this or the said former Act, within the Space of two Years next after the first Sitting of the Commissioners, they or any three or more of them, may by Writing under their Hands and Seals, acquaint the Lord Lieutenant, &c. and Council therewith; and such Order of Amendment, Explanation or Direction as they shall make in Writing within the said two Years, and Enrolled in Chancery, shall be as binding to the Commissioners and all other persons, as if the same had been part of this present Act.

CCXXXIII. And the two Years time to be computed from the day of the first Sitting of the Commissioners, is allotted them for putting this Act in Execution; and for performance of the several matters intrusted to them: and if not finished in that time, then the Lord Lieutenant, &c. and Council, may enlarge the time for the purposes aforesaid, to such further Periods as they by any Act of Council, and Enrolled in the Chancery in Ireland, shall think fit to declare, so as it exceed not the space of one Year from the Expiration of the two former Years; and that such Order shall be as good in Law as if it had been particularly expressed and Enacted by these Presents.

CCXXXIV. All Sheriffs, Mayors, Bayiffs, and all other Officers and Ministers of Justice, are well and truly to execute all Orders, Decrees, Precepts, Warrants and other Commands of the Commissioners to them directed; and in case of Contempts or Misdemeanors committed in open Court, or of wilful Neglect or Disobedience, then the Commissioners to have like Power as any of the Four Courts at Dublin, do or may lawfully use.

CCXXXV. And in all Sutes at Law wherein the Authority of this Act may any way avail, the Tenant or Defendant in such Sute may plead the General Issue, and give this Act and the Proceedings thereupon in Evidence; and if upon the Tryal a Verdict, or upon Demurrer a Judgment be given for the Tenant or Defendant, or the Plaintiff or Demandant be Non-sute, then the Tenant or Defendant to recover their double Costs and Damages.

CCXXXVI. The Commissioners empowered to receive for themselves and Sub-Commissioners, two Pence for every profitable English Acre, which

which by any Sentence, Judgment, or Decree by them to be made, shall be granted, assigned, set out, restored or confirmed to any Adventurer or Soldier, &c. or any other whatsoever, in pursuance of any part of this or the said former Act, or any Proviso or Grant therein made; and such other Fees and Rewards in recompence of their pains herein, as the Lord Lieutenant, &c. and the Council, shall think fit and appoint.

CCXXXVII. This Act is not to prejudice *John Paine*, Esq; by reason of his being necessitated to take and accept of 100 Pounds, or thereabouts (in the time of the late Usurpers, for the present Subsistence of himself and Family then residing in *Dublin*) but that as to his full Arrears due before the 5th of *June*, 1649, for Service in *Ireland*; he, his Heirs and Assigns, be admitted to have and receive as full satisfaction for the same out of the Security set apart by this Act for satisfying the Arrears of Commissioned Officers before that time, as any of them who have received part of satisfaction for such Service may or ought to receive.

CCXXXVIII. All the Arrearages of Pay grown due before the 5th day of *June*, 1649, for which Sir *Thomas Gifford*, Baronet, deceased, was to have received satisfaction in case he had been living, to be paid unto Dame *Marta Gifford*, his Relict and sole Administratrix, her Heirs and Assigns, in the same manner as they should have been satisfied to the said Sir *Thomas*.

CCXXXIX. The Commissioners to set out to the Earl of *Mount-Alexander*, his Heirs and Assigns, so much undisposed Forfeited Lands as may be equal in quantity of Acres unto two full Third parts of the Mannor, Castle, Town and Lands of St. *Woolstowns*, alias *Allens-Court*, evicted and recovered by Decree from *Hugh late Earl of Mount-Alexander*; and that Letters Patents be thereof passed in like manner, and to be of like effect as other Letters Patents granted by virtue of this Act, are or ought to be.

CCXL. No Sequestration or Alloement of any of the Lands belonging to the Territories and Precincts of *Feartry* in the County of *Wicklow*, and certain other Mannors, Lands, &c. given and granted by the King's Royal Father to Sir *John Cook*, by Letters Patents dated the 7th day of *March*, in the 12th Year of his Reign, to any Adventurer or Soldier, shall any way bar or weaken the Right and Title of *Cook*, an Infant, (Grandchild to the said Sir *John Cook*) but that he may hold and enjoy the same to him and his Heirs, according to the Tenor and Effect of the said Letters Patents.

CCXLI. Sir *Philip Harcourt*, Son and Heir of Sir *Simon Harcourt*, Knight, deceased, to hold and enjoy to him and his Heirs, the Lands taken out of the forfeited Estate of *Luke Nettervil*, together with certain Houses in *Dublin* settled on the said Sir *Simon*, by virtue of Letters under the Privy Signet of King *Car. 1.* so as the said Houses and Lands together do not exceed 400 Pounds per Annum.

CCXLII. The 1555 Acres of Land in the Counties of *Tipperary* and *Limerick*, whereof *Thomas Cunningham* and Captain *Lewis Dick* were possessed the 7th of *May*, 1659, by colour of 7000 Pounds Adventure pretended to be paid, shall be vested in the King, his Heirs and Successors for ever: Provided nevertheless, that if they within two Months after the Royal Assent shall be actually given to this present Bill, make it appear by full and clear proof before the Lord Lieutenant, &c. and Council of *Ireland*, that the said Adventure-Money was really and *Bona fide* paid, in pursuance to the several Acts made by the late King *Car. 1.* for reducing the Rebels of *Ireland*; then they to have the like benefit and advantage of the said 1555 Acres as other Adventurers were to have by virtue of this Act.

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**CCXLIII.** The Lord Lieutenant, &c. to assess any Sum not exceeding three Pence per Acre, out of every Acre of profitable Land of Plantation Measure, which is by the late Court of Claims, or shall be pursuant to this or the former Act, decreed or confirmed, or set out or delivered to any of the Popish Religion in this Kingdom, and the same to cause to be levied by distress or otherwise ; and to be paid to the Receiver to be appointed, to the intent that 1000 Pounds be paid to *Milo Power, Esq;* his Executors, Administrators, and Assigns ; and that the residue may afterwards be issued out to such Roman Catholicks of this Kingdom, who shall by the Lord Lieutenant, &c. be judged meriting the same in such proportion as shall be thought fit.

**CCXLIV.** The Commissioners forthwith to set forth unto Colonel *Carey Dillon*, his Heirs and Assigns for ever, 1735 Acres of profitable Forfeited Lands, of 21 Foot to the Perch, being two Third parts of 350 Pounds per Annum, being the value of what he hath lost ; with as much conveniency of Building and other advantages thereon as they can ; to be granted to him by the like Letters Patents as any other Soldiers by this Act are to have. And if the Commissioners think it necessary to have a Commission issued out for the enquiry into the value of any Lands, &c. in order to the setting out the said Reprize, then the Chancellor, or Keeper of the Great Seal for the time being, are required to issue out the same.

**CCXLV.** The Commissioners also forthwith, without staying for any previous Reprize, to set out and restore unto *Bandal Lord Marques of Antrim*, all and singular the Honours, Castles, &c. whereof he or any in Trust for him were seized or possessed on the 22d day of October, 1641, (the Lands in the Barony of *Glanarne*, herein after mentioned to be restored to *Alexander Macdonel*, and also all Improvements and Appropriate Tythes excepted) and that he shall hold the same unto him, and the Heirs Males of his Body begotten ; (subject nevertheless to such Debts and other Incumbrances as the same were subject unto upon the day aforesaid ; and to such Leafes and Estates thereof made for the satisfaction of Creditors, as are provided for in and by the said former Act) and to the Payment of such further Quit-Rents as any other Lands there are subject unto. And all Adventurers and Soldiers that shall be dispossessed for his Restitution, forthwith to have allotted to them so much other forfeited Lands sufficient to reprise them, for their two full third parts due to them by the Rules of this Act ; and for the better enabling the said Marques to pay his Debts when he shall be restored by Sale of Land or otherwise ; which cannot well be done unless the Reversion or Remainder in Fee, expectant upon the said Estate Tail be taken out of the Crown : Enacted therefore that all and singular the Lands and Tenements so as aforesaid appointed to be restored, and the Reversions and Remainders thereof shall be vested and settled in *Alexander Macdonel*, Brother of the said Marques, and his Heirs, as a Remainder in Fee expectant upon his Death without Issue Male.

**CCXLVI.** Provided that no Fine, Recovery, or other Act or thing whatsoever, to be done or suffered by the said Marques (other than Leafes for 21 Years or three Lives, in Possession and not in Reversion, whereon the highest improved Rent for which the same were set for in the Year 1635, shall be reserved) touching or concerning any the Messuages, &c. within the Barony of *Dunluce* in the County of *Antrim*, shall any way extend to bar, &c. the remainder thereof intended by this Act to be settled upon the said *Alexander*, but that the same shall after the death of the said Marques without Issue Male of his Body, remain and be in the said *Alexander* and his Heirs, any such Fine, &c. to the contrary notwithstanding. But as to all other Lands and Tenements so to be restored, it shall be lawful for

the

said Marques, by Fine, &c, or any other way he shall think fit, to bar, discontinue, defeat or incumber the Remainder thereof so limited and settled as aforesaid.

CCXLVII. But nothing herein shall extend to restore the said Marques to the possession of any Lands which he or his Father did heretofore grant or convey in Fee-Farm to any Forfeiting Persons not declared Innocent; or to the possession of any Lands whereof he or his Father did make any Lease for Lives or Years to any such persons during the lawful continuance of such Lease; but the same so granted or demised, shall be put into the possession of such persons towards the satisfaction of their 2 Third parts, as would have been Intituled to the same, if the said Decree had not been made, nor the said Marques hereby restored, saving to him the Rents and Services due, and to be done for the Premises.

CCXLVIII. Nothing herein contained shall extend to bar or hinder Rose Lady Marchioness of Antrim, of her Right of Dower to any of the Lands so to be restored as aforesaid, but that it shall be lawful for her after the death of her Husband, to Sue for and recover her Dower of the said Lands.

CCXLIX. The Commissioners forthwith, without staying for any previous Reprizal, to set out and restore unto the said Alexander Macdonnel and his Heirs, all the Lands, &c. in the Barony of Glanarm in the County of Antrim, which were settled on him by his Father, and whereof he, or any other in Trust for him, was seized or possessed upon the 22d day of October, 1641, (Impropriations and Appropriate Tythes excepted) subject to the Debts and Incumbrances of the said Alexander, or such as were charged by his Father; and liable to a proportionable Part of the Rent Charge granted to Alice Countess of Antrim, and to such Quit-Rents as are payable for Lands in the same Province.

CCL. So much of the Premises intended to be restored to the said Marques, whereof he or his Under-Tenants were possessed upon the 1st of July, 1665, to remain in their Possession until Restitution be made by the Commissioners, as aforesaid; and Adventurers and Soldiers to retain so much as was in their Possession at that time, until Restitution be made as aforesaid. And Alexander Macdonnel to enter upon all the Premises intended to be restored to him (not in the Possession of Adventurers or Soldiers) and to retain and keep Possession thereof, until Restitution thereof be made by the Commissioners as aforesaid.

CCLI. Rose Lady Marchioness of Antrim, to hold and enjoy the Mannor of Edenduffcarrick, and all other the Lands in the Baronies of Thom and Antrim, bequeathed to her by the last Will and Testament of Sir Henry O Neil her Deceased Father.

CCLII. John Morris and Robert Clayton to hold and enjoy such part of the Lands contained in the Decree of Patrick Coleclough's Decree, as they were formerly seized of, and he in lieu thereof to have the full benefit of the Reprizal due to them; and that until the said Reprizals be set out, the said Lands settled on them to be chargeable with the Annual Rent of 100 Pounds, payable yearly on the first days of May and November, and made liable to the Distress of the said Patrick upon Non-payment; and as soon as the Reprizals are set out, the said yearly Rent to cease. And if the ancient Proprietor, or his Heir, shall be, or is by this Act restored to his Estate of the Lands in Wexford, whereof the said John Morris and Clayton are seized; yet (for preservation of the Iron-works there) they to hold and enjoy such part thereof as they now stand seized of, and the Proprietor for so much to be reprized elsewhere.

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CCLIII. The Decrees made against Sir *George Lane*, concerning the Lands of *Pbilip Hore* Attainted of High Treason, made null and void, and he established in the actual Seizin and Possession of the Mannor, Castle, Town and Lands of *Kilsalcan*, with a Windmill and six Messuages, containing by Estimation 300 Acres of Land in the County of *Dublin*, with a Court-Leet and Court-Baron; together with several other Messuages, Lands, &c. in the County of *Dublin*, and County of the City of *Dublin*, and County of *Meath* (for which particulars see the Statute at large) being all parcel of the Estate of the said *Philip Hore*, and to be held and enjoyed by the said Sir *George Lane*, his Heirs, Executors, Administrators and Assigns (according to the agreement made between him and *Philip Hore* the younger) subject to such Rents and Services as the same are liable to by this Act; and the several Letters Patents as to all things therein contained (and not herein after changed or altered) are ratified and confirmed.

CCLIV. And the said *Philip Hore*, the Son, is restored to his Blood, and may derive his Pedigree and Descent from all and every of his Lineal and Collateral Ancestors (other than as to the Premises so settled on Sir *George Lane*, as aforesaid.) And he is also restored unto, settled and confirmed in the actual Seizin and Possession of the Town and Lands of *Castle-Knock* and *Irish-Town*, with a Mill and Salmon-Weare thereunto belonging, on the River *Liffy*, &c. and several Messuages, Lands, &c. (for which see the Statute at large) according to the agreement made between him and the said Sir *George Lane*, as aforesaid. And the said *Philip* by virtue of this Act, to hold and enjoy all and singular the Premises, to him and His Heirs against the King, His Heirs and Successors, and against Sir *George Lane* and his Heirs, and all claiming under them, by virtue of this or the said former Act; subject unto such Rents and Services as the same are liable to by this Act.

CCLV. Sir *George Hamilton*, Knight, in full satisfaction of all Personal Arrears due to him for his Service in *Ireland*, before and after the 5th day of June, 1649, to be satisfied the Sum of 5000 Pounds out of the Security set apart by this and the said former Act (for satisfying of the Arrears of the Commissioned Officers, &c.) in such manner as by the Agreement between him and other the Commissioned Officers is made and concluded.

CCLVI. All Lands, &c. seized, sequestred or set apart upon account of the late Rebellion or War, and given or granted by any Clause in the former Act; or by any Letters Patents under the Great Seal of *England* or *Ireland* to any persons whose Estates therein were confirmed by the said former Act, or by this present Act, and whereof a Third part hath not been evicted by some Degrees herein confirmed (except the Lands granted to the Duke of York, Duke of *Albemarle*, Earl of *Anglesey*, Earl of *Orrery*, Earl of *Mountrath*, Lord *Coloony*, Earl of *Falmouth*, Earl of *Carlingford*, Lord *Arlington*, Lord *Kingston*, *Chidley Coot* and *Thomas Coot*, Esqrs; the Relict and Heirs of Sir *Simon Harcourt*, and the Relict and Children of Colonel *George Cook*, Sir *William Penn*, Sir *Theophilus Jones*, Sir *George Ascough*, the Orphans of Colonel *Owen O'Connell*, Sir *George Rawden* Baronet, Sir *George Lane*, *Edward Vernon*, Esq; *Erasmus Smith*, Esq; and the Lands conveyed by *John Parker* to Trustees for Pious Uses, and the Lands granted to any in satisfaction of Arrears for Service done in *Ireland*, or in satisfaction of any Debt owing to them for Provisions for the Navy or Army in *Ireland*; and the Lands which by the said former Act are restored to former Proprietors only excepted) the said Clauses, Grants and Letters Patents to be

be good only for 2 Third parts of such Lands, and no more, and as to the other part thereof to be null and void: yet the said Grantees, and all those claiming under them, to have like liberty of Retrenchment as Adventurers and Soldiers are to have by the Rules of this Act; and the Third part so as aforesaid to be Retrencht, to remain and be Vested in the King, His Heirs and Successors, to be disposed and applied to such Uses as other Forfeited Lands ought to be by this Act.

CCLVII. Out of all Lands decreed to any Irish Papist, Popish Recusant or Roman Catholick, after the 2d of July, 1663, and herein confirmed, one years Rent, according to yearly value, Lett at in the Year 1659, to be raised and levied (over and above all other Rents by this Act imposed) and to be paid to the Receivers herein after mentioned, by two even and equal Portions, the first Payment to begin on the 1st of November, 1667, and the Second on the 1st of November, 1668, and in failure of Payment for 20 Days after the same is due, to pay double, to be levied by Procefs out of the Exchequer, as other Rents herein imposed are to be levied; and the same to be paid unto *Arthur Earl of Anglesey, Vice-Treasurer of Ireland*, and to be issued out by him unto such Irish Papists, Popish Recusants and Roman Catholicks, as served under the King's Ensigns abroad, and are particularly mentioned in His Declaration, and were seized of or Intituled to any Lands upon the 23d day of October, 1641, to which they are not restored, and in such proportions as the Lord Lieutenant, &c. shall direct and appoint.

CCLVIII. The King's Right to any Forfeited Lands in satisfaction for Lapsed Money, is hereby released and discharged; and the Lord Lieutenant, &c. and Council impowered to impose upon the Lands (by virtue of this Act restored and confirmed to any former Proprietors of the Popish Religion, or granted to any Roman Catholicks in *Ireland*) such further Sums as they shall think fit, for the raising of 30000 Pounds Sterling, in the most equal and indifferent way that may be, to be paid unto the Receiver hereafter mentioned, by two equal Payments, the first upon the first of May, 1666, and the second upon the first of November next following; and in case of Failure of Payment for 21 days after the same is due to be paid, then to pay double, and the Vice-Treasurer of *Ireland* to Issue out, or cause to be paid unto *Richard Stratford of London, Gent. his Executors, Administrators or Asigns*, 3000 Pounds Sterling; and the residue and all Penalties that shall be incurred for Non-payment, unto such persons and to such uses as the Lapsed Money, or Lands to be set out in satisfaction of the same, were or ought to have been granted in pursuance of the King's Letters under his Signet, Dated the 10th, 11th, or 12th day of February, in the 14th Year of his Reign, or by any other Letters, or by any Letters Patents to *Roger Earl of Orrey, or others*.

CCLIX. The Customs of what kind foever due for any Goods Imported into, or Exported out of the Ports and Havens of *Strangford and Ardlass*, or any of their Members, formerly the Inheritance of *Wentworth late Earl of Kildare*, and by him sold to the King, are vested in and confirmed to the King, His Heirs and Successors.

CCLX. The capital Messuage, Mills, Mannors, Towns and Lands of *Chappel-Izzard, alias Izod*, conveyed by Sir *Maurice Eustace, Knight, late Lord Chancellor of Ireland*, to the King, His Heirs and Successors, upon Payment of the Purchase-Money, is confirmed to Him, His Heirs and Successors.

CCLXI. The Commissioners to set out to Major *John Neile* so much of the Forfeited Lands in the Barony of *Barrymore* in the County of Cork, as may

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may be sufficient to repay him for the Houses in Waterford, whereof his Father was seized and possessed the 22d day of October, 1641.

CCLXII. And to restore unto Sir Luke Bath, Baronet, and His Heirs, all the Castles, Lands, &c. which he or his deceased Father, or any in Trust for them, was seized or possessed of on the Day aforesaid (except the Lands within the City of Dublin and Liberties thereof, and also all Improvements and Appropriate Tythes) to be held by him, his Heirs and Assigns, subject to such Quit-Rents, &c. as the same are made liable to by this Act, and would have been charged if the same had continued in the Possession of any Adventurers and Soldiers. And so much Forfeited Land also to be set out to him in lieu of the said Houses and Lands in Dublin, as may be sufficient to reprise him: And the Commissioners to set out to the Duke of York so much other Forfeited Lands as may be equal in value for what he hath in Custodiam of the Estate of the said Sir Luke Bath. And all others who are Intituled to any part of his Estate, according to this Act, to be reprized also in 2 full Third parts of the value of their Interests before he be restored to such part of his Estate from whence they are to be removed.

CCLXIII. The Commissioners likewise forthwith, without staying for any previous Reprizal, ordered to restore unto Garret Moore of Mourneen in the County of Mayo, Esq; his Heirs and Assigns, all the Mannors, Lands, &c. which he or his Father, or any in Trust for them, held or enjoyed at the time aforesaid; and after such Restitution, with all convenient speed, to set out to the Adventurers and Soldiers to be remov'd their 2 Third parts out of some other Forfeited Lands.

CCLXIV. And also to restore unto Edmund Lord Viscount Mountgarret, his Heirs and Assigns, his principal and capital Messuage, and all other Messuages, Mannors, &c. which he or his Father, or any in Trust for them, held and enjoyed as aforesaid, and whereof no Adventurer, &c. are in Possession (Improvements and Appropriate Tythes only excepted) and the said Lands, &c. in the Possession of any Adventurer, &c. (after their 2 Third parts set out to them of other Forfeited and undisposed Lands in satisfaction of their Interests) to be set out and placed in the Possession of him, the said Lord Viscount and his Heirs.

C LXV. Likewise forthwith to restore unto Colonel Lucas Tuaffe, and Elizabeth his Wife, the Joynture, Portions, Lands, Tenements and Hereditaments, which she, or any for her Use, held and enjoyed at the time aforesaid, or any time since.

CCLXVI. Provided no Reprizable Soldier, Adventurer or Officer, serving before the 1st of June, 1649, or Protestant Purchaser in Connaught or Clare, be remov'd out of any part of the Premises, which they are to have by the Rules of this Act, before they be first reprized for the same.

CCLXVII. Richard Earl of Burlington and Cork, and his Heirs and Assigns, in the distribution of the Security for the satisfaction of the Commissioned Officers, &c. to have the Preference and Pre-emption of all the Forfeited Houses, Lands, &c. in Youghall, at the rate of eight Years Purchase, as they shall be found to be bona fide worth: And Arthur Earl of Anglesey to have the like for all the Forfeited Houses, Lands, &c. in the Town of Ross, in the County of Wexford, at the rate of the said Purchase. And if any Doubt be made of the value of the said Houses or Lands, the Trustees for the said Officers upon request to have a new Survey; and according to such Return, the Houses and Lands to be sold, and not otherwise; and Debentures of the Officers aforesaid, offered by the said Earls, in part of Payment or for all, to be accepted and received by the Commissioners.

CCLXVIII. The

CCLXVIII. The Lease made to Richard Earl of Burlington, by James Margesson, Doctor of Divinity and Treasurer of the Cathedral Church of St. Patrick's, Dublin, of a House in Dublin called Cork-House, with the Appurtenances, bearing Date the 23d of January, 1660; for the Term of 40 Years, from the Feast of the Nativity of our Blessed Saviour then last past, is hereby confirmed for the said Term.

CCLXIX. The Lands purchased by Arthur Lord Viscount Valentia and Earl of Anglesey from any persons in actual Possession thereof, by virtue of any Grant or Order of the late Usurped Powers (the Lands decreed away by the Commissioners of the said former Act only excepted) Enacted to be settled and confirmed unto him, and his Heirs and Assigns, and he and they to have and enjoy the same: And for such of the Estates as have or shall be decreed away, the Commissioners forthwith to reprise him for the same, and without any Retrenchment, by so much Forfeited Lands as may be sufficient to make up and supply what was granted by the said former Act, or by this Act; and to hold and enjoy all other the Benefits and Advantages by the said former Act given or granted.

CCLXX. All Moneys payable by this Act by any Adventurer, Officer, Irish Papist, &c. (excepting only the Quit-Rents, and other chief Rents payable to the King, His Heirs and Successors, and such other Sums as are herein otherwise directed to be paid) to be paid to John Bence and Alexander Bence, Esqrs; hereby appointed Collectors and Receivers by themselves, or Deputy or Deputies, whose Acquittances are to be sufficient Discharges in Law, the same to be Signed and Entred by the Officers of the Exchequer, and the Receivers to accompt to Arthur Earl of Anglesey, the King's Receiver-General and Vice-Treasurer of this Kingdom, to be disposed of by him to the several Uses as are limitted and appointed, and to no other Use, taking the usual accustomed Fees: And the said Collectors to take such Fees as were formerly allowed and taken by the former Receivers of the Money, payable by the Adventurers and Soldiers. But the commissioned Officers aforesaid to pay no Fees unto the said Receivers out of their Debentures, but the Receivers, in lieu thereof, to receive such recompence out of the Rents appointed for satisfaction of the said Debentures, as the Lord Lieutenant and Council shall think fit.

CCLXXI. Theobald Lord Viscount Mayo, his Heirs and Assigns, to be restored by the Commissioners (without staying for any previous Reprizal) to his principal and capital Messuage, and other the Messuages, Lands, &c. which he or his Father, or any Ancestor whose Heir he is, or any in trust for them, held or enjoyed, on the 22d day of October, 1641, and whereof no Adventurer, &c. is in Possession (Impropriations and Appropriate Tythes only excepted) and all the said Premisses, (after such Adventurers, &c. are allotted their two full Third parts of other forfeited and undisposed Lands, in satisfaction of what they are possessed of) to be placed in the Possession of him, the said Lord Viscount Mayo, and his Heirs.

CCLXXII. The Lands of Captain Owen Mac-Carthy of Clogheroe in the County of Cork, to remain in the King's Hands for 12 Months next after passing of this Act, to the end he may make out his Claim; and if within that time it shall not be adjudged by due Course of Law, and his Right made to appear, then the same to be disposed of as any other Forfeited Lands by this Act ought to be.

CCLXXIII. The Arrears due unto the late Marques of Clanrickard, for his Employments in this Kingdom before the 10th of December, 1650; to be allowed and satisfied to his Executors or Administrators, out of the Securities set apart for the commissioned Officers aforesaid, before any Distribution made of the said Securities.

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**CCLXXIV.** The Commissioners to set out unto *Charles James MacCarthy*, Viscount *Muskry*, all the forfeited Lands in the Barony of *Muskry*, in the County of *Cork*, not set out to Adventurers and Soldiers, nor restor'd to the former Proprietors, and to be quietted in the Possession thereof; and to hold and enjoy the same to him and the Heirs Males of his Body; and for want of such Issue, the Remainders to *Donough Earl of Clancarthy*, and the Heirs Males of his Body begotten, the Remainder in Fee to the right Heirs of the said Earl; and Certificates to be granted in order to the passing of Letters Patents. Provided that the said *Donough Earl of Clancarthy*, (Grandfather to the said Viscount *Muskry*) or the Countess of *Clancarthy*, if she survive the said Earl, may by way of Lease for years of any part of the Premises, or by Rent Charge for years, or otherwise, as to them or either of them seems meet, afford such relief out of the Premises to the former Proprietors thereof, as he or she do find, do best merit the same; and what he or she do therein, is hereby declared and made good in Law.

**CCLXXV.** All the Mannors, Lands, &c. in the County of *Sligoe*, formerly belonging to *Donough O Conner Sligoe*, and *Tiege O Conner Sligoe*, are settled upon *William Earl of Strafford*, and *Thomas Radcliffe*, Esq; and their Heirs, under the Rents and Services due and payable thereout to the King in the Year 1641, and they to be forthwith settled in the Possession of all and singular the Premisses. And the Depositions of Witnesses taken before the Lord Lieutenant and Council of *Ireland* concerning the Premisses, may be made use of as good Proof for all such Lands as have been thereby proved to be part of the said *Donough O Conner's Estate*; and the said Earl and *Thomas Radcliffe*, their Heirs and Assigns, shall within six Months next after the passing of this Act, pay such Sums of Money as within that time shall be made appear to be justly due from the said *Tiege O Conner Sligoe*, *Edmund Mac Jordan* and *Dorothy* his Wife, *Philip Percival*, *Thomas* late Earl of *Strafford*, and *Sir George Radcliffe*, or any of them, their Heirs or Assigns, and not by them paid towards the buying of Incumbrances, which were upon the Estate of the said *Donough O Conner*, at the time of the Contract for the Lands; which Sums of Money so made appear, are vested in, and made payable to the King, his Heirs and Successors, to be disposed of as by his Signet, or Sign Manuel, he shall appoint; saving such Sums of Money as shall appear to be justly due by one Mortgage upon part of the said Estate made by the said *Donough O Conner*, to certain Feoffees to the use of the Children of *Sir Francis Blundell*, their Heirs and Assigns.

**CCLXXVI.** Adventurers, commission Officers aforesaid, and Soldiers, in Possession of any of the said Lands, and to be removed, shall have so much other forfeited Lands set out by the Commissioners, as may be sufficient to reprise them for two full third parts thereof; and Certificates to be granted for Letters Patents, to be of like Force as any other Letters Patents pursuant to this Act are; and they to be discharged from all Arrears of Rent and Mesne Profits by them received before their Removal.

**CCLXXVII.** The Town and Lands of *Bradcullen*, and so much Lands contiguous about the same as may amount to 3000 Acres of profitable Lands, to have been assur'd to the said *Tiege O Conner*, and his Heirs, are excepted from being settled upon the said *William Earl of Strafford*, and *Thomas Radcliffe*; and to remain disposeable between *Sir Francis Gore*, Kt. and Captain *Robert Parkes*, according to their several Proportions of what they possess of the said Estate; and what by the Rules of this Act belong to them, and are to be numbered out of such Lands now in their Possessions, most contiguous to the said Town of *Bradcullen*.

**CCLXXVIII.**

CCLXXXVIII. The said *William Earl of Strafford*, and *Thomas Radcliffe*, are restored to all the Estate, Right and Title, which *Thomas late Earl of Strafford*, and *Sir George Radcliffe*, had in the several Lands purchased by them in the County of *Sligo*, either in Law or Equity, in or to the same in the Year 1640; and to be forthwith restored to the Possession thereof, under the Rents and Services due and payable to the King in the said Year: And such Adventurers, &c. as are to be removed, to be reprimed in other Lands of like worth and value, according to the Rules of this Act, in case the said Lands be evicted from them; and they to be discharged from all Arrearages of Rents and Mesne Profits received at any time before they shall be removed.

CCLXXXIX. All Lands, &c. in the half Barony of *Iris*, and the Parish of *Dunfiny*, alias *Duncuny*, and adjoining unto *Iris*, in the County of *Mayo*, and the Parish of *Termon Barry*, in the County of *Roscommon*, vested in and forfeited to, or belonging, upon the 23d day of *October*, 1641, or at any time since, to the King, or his Royal Father; together with all Mines and Minerals therein (Royal Mines excepted) and all Fishings from the 25th of *May*, 1665, are vested in and settled on *Sir Robert Vyner*, Knight, *Thomas Vyner*, Esq; *James Temple*, *Henry Lewis* and *Sylvanus Hyde*, of *London*, Gent. their Heirs and Assigns for ever, to be held of the Castle of *Dulin*, in free and common Soccage, under the Rent of 50 Pounds, to be paid at the Exchequer at *Michaelmas* and *Easter* by equal Portions; and *Thomas Earl of Offory*, and *Richard Earl of Burlington and Cork*, *Roger Earl of Orrery*, and *Richard Earl of Arran*, and *Robert Boyle*, Esq; their Heirs and Assigns for ever, to enjoy the full benefit of the King's Letters under his Signet, dated the 20th day of *March* 1662, in the 14th Year of his Reign, for granting several Houses and Lands unto *Sir James Sbaen*, his Heirs and Assigns for ever, towards satisfaction of Adventurers, or Arrears for Service done in *Ireland*, and other Interests confirmed, &c. and also to have, and enjoy to them, their Heirs and Assigns for ever, the full benefit of like Letters, dated the 24th of *July*, 1665, in the 17th Year of his Reign, in Trust for the Uses therein expressed (excepting only for the Lands in *Iris*, *Dunfiny*, and *Termon-Barry*, or any of them) any other Clause, or any Retrenchment or other thing to the contrary in any wise notwithstanding; so far forth as the Lord Lieutenant, &c. shall find the things herein contained, to be consistent with the King's Declaration, the said former or this Act, or any of them.

CCLXXX. Nothing in the said former, or this Act is to Impeach the Innocency of *Francis Farrel of Mornine*, in the County of *Longford*, Esq; but that he be restored unto all the Lands, &c. claimed by him, whereof he was possessed the 23d day of *October*, 1641, and rightly intituled thereunto, and particularly mentioned in his Decree from the late Commissioners, whereby he is adjudged an innocent person.

CCLXXXI. *Sir Connel Farrel*, Knight, and his Heirs, to be forthwith restored to all the Messuages, Lands, &c. which by the said former Act were granted to him; and Certificates to be granted in order to the passing Letters Patents accordingly. The Commissioners also to set out to *Cornel Robert Mereditb*, and all others who were or are Seized or Possessed of any of the said Lands, in satisfaction of any Adventures or Arrears, such other Forfeited Lands, as may be equal in quantity of Acres unto 2 full Third parts of the Lands so to be restored.

CCLXXXII. The Commissioners (without staying for any previous Reprizal) forthwith to restore unto *Colonel John Kelly of Skryne*, in the Barony of *Atblone* and County of *Roscommon*, his Heirs and Assigns, all the Mannors, Lands, &c. which he, or any in Trust for him, held and enjoyed

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joyed upon the 22d day of October, 1641. And after such Restitution, with all convenient speed to set out to the Adventurers, &c. who shall be removed to make way for such Restitutioiu, their several 2 Third parts, or such other satisfaction as shall be due to them by the Rules of this Act, out of some other Forfeited and undisposed Lands.

CCLXXXIII. It's made lawful for Sir Henry Talbot to hold and enjoy to him and his Heirs and Assigns, the Lands, &c. in Connaught, granted to him by the King's Letters Patents under 'he Great Seal of Ireland, in exchange for other Lands of the said Sir Henry's, adjoining to the Castle of Dublin, and convenient for the King's Service.

CCLXXXIV. Allotments forthwith to be made to all Adventurers, &c. Seized or Possessed of any Castles, Lands, &c. which Sir Nicholas Plunket of Balrath, in the County of Meath, Knight, rightfully held and enjoyed upon the 22d day of October, 1641, so much other Forfeited Lands equal in value to 2 full Third parts of the Lands whereof they are so posselt, if willing to accept of such Reprizals, and to be removed : And all the Messuages, &c. for which they shall accept of such Reprise, and to be removed, and the 3d part of the Premisses, and all other Messuages, &c. which at any time aforesaid did belong to him ; to be allotted by the Commissioners to James Hamilton, Esq; one of the Grooms of the King's Bed-Chamber, and his Heirs, Executors, Administrators and Assigns : And in case any of the persons possessed be unwilling to be removed, then the Commissioners forthwith to set out to the said James Hamilton and his Heirs, so much Forfeited Lands in some other convenient place equal in value to the said Land, or so much thereof as the said Adventurers, &c. shall be unwilling to be removed from.

CCLXXXV. The Clause in the former Act, and the Declaration therein recited, making it lawful for the King to restore any Innocent Papists (who were dispossessed of their Houses in Corporations) to the same again, is repealed.

CCLXXXVI. It's made lawful for Richard Stephens the younger, to hold and enjoy to him and his Heirs all the Messuages, Lands, &c. lying in the Town and Corporation of Kells, in the County of East-Meath, whereof he or his Under-Tenants were seized or possessed upon the 7th day of May, 1639, which lye within the Securities set apart for the Commissioned Officers aforesaid, he placing thereon so many Debentures for Arrears due for Service before the 5th of June, 1649, for which no satisfaction hath been given, and which are satisfiable by the Rules of this or the said former Act, as do amount unto the full Sum of 300 Pounds.

CCLXXXVII. The Commissioners forthwith to set out unto Sir Theophilus Jones, Knight, and his Heirs, so much Forfeited Lands as may be sufficient in value fully to Reprize him for the Messuage, Lands and Improvements in and about Lucan, evicted and decreed away from him.

CCLXXXVIII. Pierce Greagh impowered to hold and enjoy to him and his Heirs all the Messuages, Lands, &c. in the Province of Connaught and County of Clare, or either of them, whereof he's possessed by himself or his Under-Tenants, into which he was Transplanted by the late Usurpers.

CCLXXXIX. The Lord Lieutenant, &c. and Council, to Assets and Impose upon all Adventurers and Soldiers, who by the said former Act were lyable to the Payment of Fees (to the Officers attending both Houses of Parliament) such Sums of Money not exceeding 5000 Pounds as they shall think fit ; and cause the same to be Levied in such manner as other Sums herein before imposed are liable, and to be paid to the Receivers aforesaid, to be issued out, and distributed amongst such Officers, and in such

such manner as the Lord Lieutenant, &c. and Council (after the Advice of both Houses of Parliament thereupon had) shall decree and appoint.

CCXC. Colonel William Legg to have and enjoy to him and his Heirs for ever (in lieu of what has been retrenched of his Proviso) all the Lands, &c. granted to him by the King's Letters Patents, and past under the Great Seal of Ireland, pursuant to the King's Letters under His Privy Signet Dated at Whitehall, the 19th of January, 1663, without any Retrenchment or Defalcation whatsoever.

CCXCI. And James Fitz-Gerald of Laragh, in the County of Westmeath, and his Heirs, to have the like Restitution, Priviledges and Benefits in all respects as any of the 54 persons provided for by this Act.

CCKCII. John Arthur, Son and Heir of Robert Arthur, Deceased, late of Dublin, Alderman, to be restored unto, and settled by the Commissioners in the quiet Possession, and have and enjoy to him, his Heirs, Executors, Administrators and Assigns, all the Mannors, Houses, Lands, &c. in the Kingdom of Ireland, which the said Robert Arthur, or any in Trust for him, held or enjoyed on the 22d day of October, 1641, or at any time since (except what thereof is in the hands of Adventurers or Soldiers, or is in the City of Dublin) for which he is to be forthwith reprimed elsewhere, to the full value thereof, as near and contiguous to the said City as conveniently may be. And he is also restored unto, and enabled to Demand, Recover and Receive to his own Use, all and singular the Debts and Sums of Money, which at any time heretofore were due and owing to him, the said Robert Arthur, and are still unpaid.

CCXCIII. The Reversion and Inheritance of the Barony of Cary, the Lordship of Ballycastle, and Island of Rathcline, and all the Lands, &c. within the said Barony, Island and Lordship, Demised by Randal Marquess of Antrim, by Lease dated the 22d day of November, 1637, for 99 Years from Michaelmas, 1637, unto Alexander Macdonnel, John Moor, Archibald Steward and John Trayleman, in Trust for the Payment of certain Debts, are Enacted to be Vested and Settled in Martin Noell, Esq; Son and Heir of Sir Martin Noell, George Blake and John Robinson, of the City of London, Esqrs; upon these Trusts following (that is to say) if any person or persons, their Executors, Administrators or Assigns, to whom any Debt is owing, which was intended by the Lease aforesaid to be secured before the 29th of September, 1667, does accept of one Moyety of their Principal Money, and have Interest for it from the time of such Acceptance at the rate of 10 Pounds per Centum, in full satisfaction of his or their whole Debt; and shall declare such Acceptance by Writing under their Hands and Seals, to be acknowledged before the Lord Chancellor, Master of the Rolls, or any Master in Chancery, either in England or Ireland, and to be Registered in the Rolls of either Kingdom. And if the said Marquess happen to die after such Acceptance declared, and before Payment thereof and Interest at the rate aforesaid; then the Trustees, and Survivor and Survivors of them, and the Heir of the Survivor, shall out of the Rents of the Premises pay the said Moyety of the principal Money, with Interest as aforesaid, or so much thereof at the said Marquess his death as shall be behind and unpaid. And if he or his Heirs at any time before the 29th of September, 1675, pay all such Creditors, their Executors or Assigns, who shall compound as aforesaid, their full Composition-Money and Interest as aforesaid; then the Reversion and Inheritance of the Premises shall be Vested and Settled in him and his Heirs. But no Settlement of the Reversion and Inheritance by this Act, nor any Fine, Recovery, or other Act or Thing, to be done or suffered by the said Trustees without his Privity and Consent, shall give any strength or continuance of the said Lease of 99 Years, further

further than during the life of the said Marques; but that the said Lease from and after his death shall be fully determined both in Law and Equity, to all Intents and Purposes. And no Creditor who shall refuse to come in as aforesaid, shall be admitted to have any benefit by the Trust of the Reversion and Inheritance as aforesaid. And where any Debts secured by the said Lease shall be compounded as at one Moyety with Interest, as aforesaid, the other Moyety is declared with the Interest to be Vested in and made payable to the said Marques. And that he shall have like benefit for Payment thereof, out of the Lease for 99 Years, as any other Creditor refusing to compound can or may have. And the Trustees of the said Lease shall pay and satisfie his Executors and Administrators the other Moyety of the said Debt so compounded, with the Interest thereof, equally and in like manner as the not compounding Creditor can, or may be satisfied, this Act or any other Law to the contrary notwithstanding. And the said *Alexander Macdonnel*, *John Moor*, *Archibald Steward* and *John Trayleman*, Sureties for the said Marques, and counter-secured by the said Lease for 99 Years, until the same was transferred as aforesaid; and every of them, their Heirs, Executors and Administrators, are hereby discharged from all Sutes and Demands which may be had against them, or any of them, or any of their Lands, Tenements, Goods or Chattels, for or in respect of any of the Debts intended by the said Lease to be secured, as aforesaid.




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